

LAND USE AND DEVELOPMENT ORDINANCE

for the
TOWN OF THOMASTON,
MAINE

COASTAL ZONE
INFORMATION CENTER

revised
1987

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PREFACE

The accompanying "Land Use and Development Ordinance" has been prepared to incorporate community desires for land management and integrate various state laws which regulate land use. Most prominent amongst state laws which this Ordinance is designed to implement is the "Shoreland Protection Act".

The ordinance is separated into three principal parts. The first is an administrative section dealing with the powers and responsibilities of the Building Inspector and Board of Appeals. Also included are the necessary legal requirements for a land use or zoning ordinance and text definitions.

The second section deals primarily with the makeup of the six land-use districts. These include: a "Resource Protection District" to meet the intent and requirements of state law in protecting the environment of shoreland areas; three primarily residential districts indicating three levels of land density allowed; a "Commercial District" for encouraging appropriate commercial land uses; and, an "Industrial District" where the Town will be establishing those allowable land uses which are in the best long-range interests of the Town.

The third section deals with performance requirements, setting minimum standards for all types of development. Areas covered include:

Environmental concerns, such as soil suitability, erosion prevention, earth material removal standards, shoreland protection, and prevention of air, water and noise pollution.

Other standards, including mobile home park requirements, allowance of innovative techniques in housing, requirements for off-street parking, street design standards and sign regulations.

TOWN OF THOMASTON

April 28, 1987

CHAPTER I ZONING REGULATIONS

SECTION I GENERAL

A. This ordinance is designed for all the purposes on zoning embraced in Main Revised Statutes and has been drafted as an integral part of a Comprehensive Planning process for the Town of Thomaston, Maine, to promote the health, safety, and general welfare of its residents. Among other things, it is designed to encourage the most appropriate use of land throughout the Town, to promote traffic safety; to provide safety from fire and other elements; to provide adequate light and air; to prevent overcrowding of real estate; to promote a wholesome home environment; to prevent housing development in unsanitary areas; to provide an adequate street system; to encourage the formation of community units; to provide an allotment of land area in new developments sufficient for all the requirements of community life; to conserve natural resources; and to provide for adequate public services.

B. ESTABLISHMENT OF ZONES

To implement the provisions of this Chapter, the Town of Thomaston is hereby divided into the following classes of Districts:

Urban Residential District --R-3
Rural Residential District --R-2
Rural Residential and Farming District --R-1
Resource Protection District --RP
Commercial District --C
Shoreland Commercial District --SC
Industrial District --I

C. ZONING MAPS

The location and boundries of the above Districts are hereby established as shown on maps entitled "Zoning-Land Use Regulation" dated March 1975, as amended, prepared by the Thomaston Planning Board and kept on file at the Thomaston Municipal Office, which map with all explanatory matter thereon, shall be deemed to be, and is hereby made part of this Ordinance. When uncertainty exists with respect to District boundries as shown upon the above map, the following rules shall apply:

- 1) Unless otherwise indicated, district boundry lines are the center lines, plotted at the time of adoption of this Ordinance of streets, alleys, parkways, waterways, or rights-of-way of public utilities and railroads or such lines extended.
- 2) Other district boundry lines which are not listed in the preceding paragraph shall be considered as lines paralleling a street and at distances from the center lines of such streets as indicated by the official Zoning Maps on file in the office of the Town Clerk. In the absence of a written dimension, the graphic scale on the official Zoning Maps shall be used.
- 3) Where a question arises in regard to the limits of the Resource Protection District as established by this Ordinance, the applicant shall be instructed to obtain a topographic survey from a Registered Land Surveyor based on the nearest known benchmark showing the appropriate contour delineating the Resource Protection District.

D.

CONFORMITY

- 1) No building or structure shall be erected, altered, enlarged, rebuilt, moved or used and no premises shall be used unless in conformity with the provisions of this Ordinance except those existing which by the provisions of this chapter become legally nonconforming.
- 2) The regulations specified by this Ordinance for each class of district shall be minimum requirements and shall apply uniformly to each class or kind of structure or land.
- 3) Land within the lines of a street on which a lot abuts shall not be considered as part of such lot for the purposes of meeting the area requirements of this Ordinance notwithstanding the fact that the fee to such land may be in the owner of such lot.
- 4) No part of a yard, or other space, or off-street parking or loading space about or in connection with any building and required for the purpose of complying with this Ordinance, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

- 5) When a lot of record at the time of enactment or amendment of this Ordinance is transected by a Zoning District Boundry, the requirements of this Ordinance applicable to the larger part of such lot shall apply to the smaller part of such lot, but not more than fifty (50) linear feet in depth beyond said Zoning District Boundry.

E. CONFLICT WITH OTHER ORDINANCES

Zoning Ordinance provisions may cover or conflict with matters regulated by other codes or ordinances, local, State or Federal, and with deed restrictions or covenants, and since these codes, ordinances, etc., are subject to change; for the purpose of this ordinance the following rule will apply: whenever the requirements of this ordinance are at variance with the regulations or restrictions of any other lawfully adopted ordinances, rules or restrictions or covenants, those which are more restrictive or impose the higher standards or requirements shall govern. Notwithstanding any other provisions of this ordinance no premises shall be used or maintained in violation of any State or Federal pollution control or environmental protection law or regulation.

F. SEPARABILITY

In the event that any section, subsection or any portion of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

G. AVAILABILITY

This Ordinance is on file with the Town Clerk and is accessible to any member of the public. Copies are available to any member of the public, at reasonable cost, at the expense of the person making the request.

SECTION II NONCONFORMANCE

A. PURPOSE

The purpose of this section is to regulate nonconforming lots, uses and structures as defined in this Ordinance such that they can be reasonably developed, maintained or repaired, or changed to other less nonconforming or to conforming uses.

B. DEFINITIONS

- 1) **Nonconforming lot** A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the minimum lot area, lot area per dwelling unit or frontage requirements of the District in which it is located.
- 2) **Nonconforming structure** A structure that does not meet the setback, building height or lot coverage standards of the District in which it is located.
- 3) **Nonconforming use** A use of premises that is not a permitted or conditional use in the District in which it is located but which is allowed to remain because it was in lawful existence at the time this Ordinance was adopted or amended.

C. GENERAL

Any lawful use of buildings, structures, premises, land or parts thereof existing at the effective date of this Ordinance or amendments thereto, and made nonconforming by the provisions of this Ordinance or amendments thereto, may be continued subject to the provisions of this section.

D. NONCONFORMING LOTS

1) Vacant lots

- a) A single lot of record, in separate ownership and not contiguous

with any other lot in the same ownership may be built upon provided all provisions of this Ordinance except lot area and frontage shall be met.. Variance of yard or other requirements not involving area or frontage shall be obtained only by action of the Board of Appeals.

- b) If two or more contiguous lots are in the same ownership, and if all or part of the lots do not meet the dimensional requirements of this Ordinance, the lands involved shall be considered to be a single parcel for the purposes of this Ordinance. No division of the parcel shall be made which creates any dimension or area below the requirements of this Ordinance, and if any such lot is created after enactment of this Ordinance or any amendment thereof, that lot shall not be built upon. If, after combining all contiguous lots in the same ownership, the parcel fails to meet dimensional standards of this Ordinance, said parcel may be built upon in accordance with paragraph a), above.

2) Lots with Structures

- a) A single lot of record, which is the site of a principal building or use, may be built upon in accordance with paragraph 1), a), above.
- b) If two or more contiguous lots are in the same ownership, and if all or part of the lots do not meet the dimensional requirements of this Ordinance, and a principal building or use exists on each lot, each lot may be built upon in accordance with paragraph 1), a), above.
- c) If two or more contiguous lots are in the same ownership, and if all or part of the lots do not meet the dimensional requirements of this Ordinance, and the lots are the site of permitted accessory buildings or uses, the lots may be built upon in accordance with paragraph 1), b), above.

E. NONCONFORMING STRUCTURES

1) Maintenance and Enlargement

A structure in existence on the effective date of adoption or amend-

ment of this Ordinance which does not meet the setback, height or lot coverage standards of this Ordinance may be repaired, maintained and improved. It may be enlarged and/or accessory structures may be added to the lot without a variance, provided that:

- a) the enlargement or accessory structure meets the height standards of the District in which it is located;
- b) that the enlargement or accessory structure(s), in combination with the existing structure(s), does not exceed the lot coverage standards of the District in which it is located; and
- c) the enlargement or accessory structure(s) meet the setback standards of the District, or, if located within the same yard area as the nonconforming structure, is no closer than the nonconforming structure to the front, side or rear lot line and contains no more than twenty-five (25) percent of the ground floor area of the nonconforming structure.
- d) No structure which is less than the required setback from the normal high water mark shall be expanded so that any portion of the structure is closer to the high water mark than the existing structure. No accessory structure not requiring direct access to the water as an operational necessity shall be located within the required setback from the normal high water mark.

2) Reconstruction

Any nonconforming building or structure which is hereafter damaged or destroyed may be restored or reconstructed in conformance with its original dimensions. Nothing in this section shall prevent the demolition of the remains of any building or structure damaged or destroyed.

F. NONCONFORMING USES

1) Discontinuance

If any nonconforming use ceases for any reason for a period of one year or more, any subsequent use shall conform to the provisions of this Ordinance.

2) RESUMPTION

Whenever a nonconforming use is changed to a permitted or conditional use, such land and/or structure(s) shall not thereafter revert to a nonconforming use.

3) EXPANSION

The Board of Appeals may grant permission for the enlargement of a nonconforming use. In reviewing such applications for enlargement, the Board of Appeals shall use the criteria of this Ordinance applicable to conditional uses.

G. TRANSFER OF OWNERSHIP

Ownership of nonconforming lots, structures and/or uses as defined in this Ordinance may be transferred without loss of their lawful but nonconforming status.

SECTION III

ADMINISTRATION

A.

ENFORCEMENT OFFICER

It shall be the duty of the Code Enforcement Officer or other person duly authorized by the Town of Thomaston to enforce the provisions of this chapter. If the Code Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify by certified mail the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

B.

LEGAL ACTION AND VIOLATIONS

When any violation of any provision of this Ordinance shall be found to exist, the Town Attorney, upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all actions and proceedings either legal or equitable that may be appropriate or necessary for the enforcement of this Ordinance, the same to be brought in the name of the Town. Any violation of this Ordinance shall be a nuisance.

C.

FINES

Any person, firm or corporation being the owner or or having control or use of any building or premises who violates any provision of this Ordinance shall be subject to the following penalties, payable to the Town of Thomaston: For starting construction or undertaking any land use activity for which a permit is required without the required permit or for any other specific violation of this Ordinance, the minimum fine shall be \$100.00 and the maximum fine for any single violation shall be \$2500.00. Assessment of penalties under this Ordinance shall be in accordance with Title 38 MRSA Section 429 and Title 30 MRSA Section 4966.

Each day a violation continues may be counted as a separate offense. An offense shall commence on the date of issuance of a Notice of Violation signed by the Code Enforcement Officer to the person or party in violation of this Ordinance. Return of the receipt indicating that the Notice was undeliverable as addressed or otherwise not delivered to the person or party shall not invalidate enforcement of this Ordinance or any penalties provided herein, the Town may bring action in Superior Court to enjoin violation of this Ordinance and for other such relief as the law may provide.

D.

BUILDING PERMIT

No building or structure shall be erected, moved, added to, structurally altered or demolished without a permit therefor, issued by the Code Enforcement Officer. No building permit shall be issued except in conformance with the provisions of this Ordinance, except after written order from the Board of Appeals. The Code Enforcement Officer shall maintain a public record of all building permits. If the building or part is not substantially completed within two years of the issuing of the permit, the permit shall lapse. It may be renewed without charge upon application.

1)

TEMPORARY BUILDING PERMIT

A temporary building permit shall be required for any temporary structure necessary for the construction of permanent structure(s). The term of such temporary building permit shall not exceed the time limit of the building permit issued for the permanent structure(s) and such temporary structure shall be removed within thirty (30) days of completion of construction of the permanent structure(s). A temporary structure serving as a residence shall comply with the Maine State Plumbing Code. A temporary building permit shall not be required for seasonal storage structures, such as those covering boats or woodpiles, which are removed within six (6) months of their erection.

2) Demolition Permit

Before a demolition permit is issued, a plan must be submitted showing the following:

- a) Date the work will start.
- b) Date the work will be completed. On completion of work, the site shall include finish grading, landscaping and proper drainage to make the area look presentable.
- c) Disposal site(s) for demolition debris.
- d) Description and age, if known, of building(s) or structure(s) to be demolished.

3) Construction Without Building Permit

Any on-site activity prior to issuance of a building by the Code Enforcement Officer shall be a violation of this Ordinance. No building permit shall be required for clearing to allow surveys and soil tests, and excavations for soil tests.

E. APPLICATION

- 1) All applications for building permits shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations and dimensions of the proposed building or alteration and the proposed sewage disposal system as certified by a professional engineer registered in accordance with Maine laws, or a plumbing inspector appointed by the Town. The application shall include such other information as lawfully may be required by the Code Enforcement Officer to determine conformance with and provide for the enforcement of this Ordinance.
- 2) Wherever on-site subsurface disposal is contemplated, the approval of building permit applications shall be subject to evidence of satisfactory subsurface soil conditions for drainage and sewage disposal, and shall be subject to prior obtainment of a plumbing permit. Such evidence shall be furnished in compliance with the Maine State Plumbing Code.
- 3) Whenever development of any kind or use, exclusive of a single dwelling on an oversize lot, and whether occurring essentially at one time or over a period of years, is proposed for a parcel or assembly of parcels of land which in total contiguous area is equivalent to or greater in area than three times the minimum lot size as prescribed for that zone; and before any contract or offer for the conveyance of the proposed development or or any portion thereof shall have been made; and before

any plat of subdivision into three or more lots shall have been recorded by the proper registry of deeds; and before any permit be issued; and before any improvements, including the installation of roads or utilities, shall be undertaken, the developer or his authorized agent shall obtain the endorsement of the Planning Board for Final Approval of such development. All developments shall be executed in strict conformance with approved plans and with the procedures, standards and requirements of the subdivision regulations of the Town of Thomaston.

- 4) The Code Enforcement Officer shall approve or deny in writing an application for a building permit within fourteen (14) working days of receiving said application. In the event of an adverse decision by the Code Enforcement Officer, the aggrieved party may appeal to the Board of Appeals in accordance with Section IV of this Ordinance.

F.

CERTIFICATE OF OCCUPANCY

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefor by the Code Enforcement Officer and endorsed to the effect that the proposed use of the building or land conforms with the requirements of this Ordinance.

No Building Permit shall be issued until an application has been made for a Certificate of Occupancy, and the Certificate of Occupancy shall be issued in conformity with the provisions of this Ordinance upon completion of the work.

A temporary Certificate of Occupancy shall upon request be issued by the Code Enforcement Officer for a period of six months at such time as required sanitary facilities are installed and operable during construction or alterations, for partial occupancy of a building pending its completion, provided, however, that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

The Code Enforcement Officer shall maintain a public record of all Certificates of Occupancy.

Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance.

G.

FEE

Application for a building permit shall be accompanied by a fee, in accordance with the following schedule:

Fee Schedule

\$2.00 per \$1,000 up to \$15,000 estimated value
Each additional \$1,000 is \$1.00 per \$1,000

To move or demolish a building -- \$5.00

Signs -- \$5.00.

Heating installations -- \$6.00

No fee shall be required for a Certificate of Occupancy

SECTION IV APPEALS

A. APPOINTMENT AND COMPOSITION

- 1) The Board of Appeals shall be established by the legislative body of the Town of Thomaston and appointed by the municipal officers.
- 2) The Board shall consist of five members, serving staggered terms of at least 3 and not more than 5 years. The Board shall elect annually a chairman and secretary from its membership. The secretary shall provide for the keeping of the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the Board shall be public record. A quorum shall consist of 3 members. All decisions shall be by majority vote.
- 3) A municipal officer or spouse thereof may not serve as a member.
- 4) Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.
- 5) A member of the Board may be dismissed for cause by the municipal officers before the expiration of his term.

B. POWERS AND DUTIES

Appeals shall lie from the decision of the Code Enforcement Officer to the Board of Appeals and from the Board of Appeals to Superior Court. An appeal may be taken, within thirty (30) days after the decision is rendered, by any party to Superior Court from any order, relief or denial in accordance with the Maine Rules of Civil Procedure, Rule 80B. The hearing before Superior Court shall be without a jury.

2) Variance

A variance may be granted by the Board only where strict application

of this Ordinance, or a provision thereof, to the petitioner and his property would cause undue hardship or would not be in the best interest of the community. A financial hardship shall not constitute grounds for granting a variance. The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case. A variance shall not be granted to permit a use or structure prohibited by this Ordinance. "Undue hardship" shall mean:

- a) That the land in question cannot yield a reasonable return unless a variance is granted;
- b) That the need for a variance is due to the unique circumstances of the property and not to general conditions in the neighborhood;
- c) That the granting of a variance will not alter the essential character of the locality; and
- d) That the hardship is not the result of action taken by the applicant or a prior owner.

Further, within the Shoreland Districts, a variance shall be granted only if the Board of Appeals makes a positive finding, based on information presented to it, that the proposed uses:

- a) Will not result in unsafe or unhealthful conditions;
- b) Will not result in erosion or sedimentation;
- c) Will not result in water pollution;
- d) Will not result in damage to spawning ground, fish, aquatic life, bird and other wildlife habitat;
- e) Will conserve shoreland vegetation;
- f) Will conserve visual points of access to waters as viewed from public facilities;
- g) Will conserve actual points of public access to waters;

- h) Will conserve natural beauty; and
- i) Will avoid problems associated with flood plain development and use.

C.

CONDITIONS

In hearing appeals under this section, the Board of Appeals shall include but not be limited to the following considerations:

- . location, character and natural features
- . fencing and screening
- . landscaping, topography, and natural drainage
- . vehicular access, circulation and parking
- . pedestrian circulation
- . signs and lighting
- . all potential nuisances
- . all applicable performance standard criteria contained in Chapter II of this Ordinance.
- . interests of property owners in the neighborhood.

In granting appeals under this section, the Board of Appeals shall refer the appeal application to the Town Planning Board for a report prior to the closing of the agenda of its next regularly scheduled meeting. The Planning Board report shall be considered informational in character and may take into consideration the effect of the appeal proposal upon the character of the neighborhood or any other pertinent data in respect of the Comprehensive Plan for the Town of Thomaston.

The Planning Board report shall be submitted to the Board of Appeals for its consideration prior to the officially scheduled time of the public hearing on the appeal.

D.

APPEAL PROCEDURE

- 1) In all cases, a person aggrieved by a decision of the Code Enforcement Officer shall commence his appeal within thirty (30) days after receipt of a written decision from the Code Enforcement Officer by certified mail. The appeal shall be filed with the Code Enforcement Officer on forms to be approved by the Board of Appeals, and the aggrieved person shall set forth on said form the grounds for said appeal.
- 2) Before taking action on any appeal, the Board of Appeals shall hold a public hearing. The Board shall reasonably notify of any hearing, the petitioner, the Planning Board and the Municipal Officers and such persons shall be made parties to the action. All interested persons shall be given reasonable opportunity to have their view expressed at any hearing. Notice of all appeals shall be advertised in three editions of the newspaper, and by three spot radio announcements on the local radio station.

- 3) Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.
- 4) The appeal shall be in order for hearing at the next meeting of the Board of Appeals following by at least 10 days but within thirty (30) days of the formal appeal the initiation of advertisement.
- 5) Written notice of the decision of the Board of Appeals shall be sent to the appellant, the Code Enforcement Officer, the Planning Board and the municipal officers within thirty (30) days of the date of the hearing of the appeal.
- 6) At any hearing, a party may appear by agent or attorney. Hearing shall not be continued to other times except for good cause.
- 7) The Code Enforcement Officer or his designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he deems appropriate for an understanding of the appeal.
- 8) The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.
- 9) A right of appeal under the provisions of this chapter secured by vote of the Board of Appeals shall expire if the work or change involved is not commenced within six months of the date on which the appeal is granted, and if the work or change is not substantially completed within one year of the date on which such appeal is granted, unless as otherwise provided for in the appeal.
- 10) If the Board of Appeals shall deny an appeal, a second appeal of a similar nature shall not be brought before the Board within one year from the date of the denial by the Board of the first appeal, unless in the opinion of a majority of the Board, substantial new evidence shall be brought forward, or unless the Board finds, in its sole and exclusive judgment, that an error or mistake of law or misunderstanding of facts shall have been made.
- 11) The appellant shall pay a fee of \$20.00 to cover the costs of notifications and advertisements concerning an appeal.

SECTION V

AMENDMENTS

A.

AUTHORITY

The regulations, restrictions, and boundries set forth in this Ordinance may from time to time be amended, supplemented or repealed in accordance with the Revised Statutes of Maine, as amended.

B.

PROCEDURE

Amendments to this Ordinance shall be considered following petition, recommendation of the Planning Board or motion of the Selectmen. All petitions for amendment of this Ordinance shall contain the recommendation of the Planning Board, whether for or against.

Upon receiving a petition, the Town Clerk shall notify the Planning Board of the proposed amendment. The Planning Board, at its next regular or special meeting following notification, shall determine whether the proposed amendment is consistent with the Comprehensive Plan. The decision of the Board may be appealed to the Board of Appeals within thirty (30) days of the Planning Board's decision.

If the Planning Board finds the proposed amendment to be inconsistent with the Comprehensive Plan, unless overruled by the Board of Appeals or by Superior Court, such article shall not be considered by the Town Meeting until the Comprehensive Plan shall be amended so that the proposed amendment would be consistent with the amended plan. The Town Meeting may consider the proposed amendment to the Comprehensive Plan and the Land Use and Development Ordinance simultaneously.

If the proposed amendment is found to be consistent with the Comprehensive Plan the Planning Board shall hold a public hearing on the proposed amendment. The hearing shall be advertised fourteen (14) days in advance, such notice to be posted in the manner provided for Town Meetings. In addition, public notice shall be published twice in a newspaper of general circulation in the Town of Thomaston, the first date of publication shall be at least seven (7) days next prior to the date of the public hearing. Following the public hearing, the Planning Board shall forward its recommendations in writing to the Board of Selectmen.

Not less than ten (10) days prior to Town Meeting, the Selectmen shall hold a public hearing on the proposed amendment to the Ordinance. The proposed amendment shall be attested and posted in the manner provided for Town Meetings, not less than fourteen (14) days prior to the hearing. In addition, public notice shall be published twice in a newspaper of general circulation in the Town of Thomaston, the first date of publication shall be at least seven (7) days next prior to the date of the public hearing.

One copy of the proposed amendment shall be certified by the Selectmen to the Town Clerk, at least seven (7) days next prior to the day of election or Town Meeting, to be preserved as a public record, and copies shall be available at that time for distribution to the voters by the Town Clerk, as well as at the time of election or Town Meeting.

The subject matter of the proposed Ordinance or amendment thereto may be reduced to the question:

"Shall an Ordinance or amendment entitled _____ be enacted"

SECTION VI DEFINITIONS

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is always mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied", and "Code" and "Ordinance" shall be considered interchangeable.

Accessory Use A use customarily incidental and subordinate to the principal building or use and located on the same lot with such principal building or use. A dwelling shall not be considered an accessory use, except for a dwelling unit for a resident watchman providing security for a permitted or conditional use.

Accessory Building A subordinate building or a portion of the main building, the use of which is incidental to that of the main or principal building.

Apartment Building A building arranged, intended, or designed to be occupied by two or more families living in an independent dwelling unit.

Billboard The surface of any building or structure which is available for hire for advertising purposes.

Boat/Ship Yard A facility, whether open or enclosed, providing one or more of the following services to the public: boat/ship repair, boat/ship construction, boat/ship storage.

Building Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals or chattel. Each portion of a building, separated from other portions by a fire wall, shall be considered as a separate structure.

Bulkhead A permanent, solid structure, vertical or sloped towards the land, built along the shore to retain and protect the upland from wave and water erosion.

Code Enforcement Officer Shall mean the appointed Building Inspector of the Town of Thomaston.

Conditional Use A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

Coverage That percentage of the plot or lot area covered by the building area.

Dwelling A building designed or used as the living quarters for one or more families. The term shall not be deemed to include motel, rooming house, or trailer.

Dwelling Unit A room or group of rooms forming a habitable unit for one family with facilities used or intended to be used for living, sleeping, cooking, and eating. The term shall not be deemed to include trailer.

Family One or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a rooming house or motel.

Float A structure, permanent or temporary, supported by its buoyancy, whether attached to the shore, a wharf, a pier, or moored to the bottom, having no installed means of propulsion, and constructed with a deck. Temporary as used herein, means a structure which remains in the water for less than seven (7) months in any consecutive twelve (12) months. No structure shall extend more than four (4) feet above the deck of the float and no dwelling shall be located thereon.

Height of Building The vertical measurement from grade to the highest point of the roof beams in flat roofs; to the highest point of the roof beams in flat roofs; to the highest point on the deck of mansard roofs; to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs; or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose, the level of the eaves shall be taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves.

Home Occupation An occupation or profession which is: customarily

carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; carried on by a member of the family residing in the dwelling unit; clearly incidental and secondary to the use of the dwelling unit for residential purposes; conforms with the following conditions:

- 1) The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.
- 2) Not more than one person outside the family shall be employed in the home occupation. There shall be no stock in trade.
- 3) There shall be no exterior display, no exterior sign (except as expressly permitted by the district regulations of this Ordinance), no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
- 4) No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, traffic or parking shall be generated.

Junk Yard A lot or part thereof, exposed to the elements, which is used for the sale or for the storage of secondhand products or materials, or for the storage of any automobile or truck which cannot pass the State inspection test and/or is inoperable in its existing condition.

Lot A parcel of land in single ownership occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this Ordinance and having frontage upon an approved street or private right-of-way.

Marine A shorefront facility providing one or more of the following services to the public: boat berthing, boat launching, boat storage, boat repair and servicing, sale of fuel and lubricants for marine use, sale of marine supplies, sale and/or servicing of marine equipment and accessories, including boat trailers.

Marine related Retail and Service Use A retail or service activity primarily selling and servicing boats, marine engines, equipment, accessories and supplies used by commercial or recreational boat-owners, or providing services to boatowners such as documentation, insurance, management, brokerage and security.

Mobile Home A detached residential dwelling unit designed for transportation, after fabrication, on streets or highways on its own wheels and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for location on jacks or other temporary or permanent foundations and connection to approved utilities. A mobile home shall contain not less than 750 square feet of floor area.

Mobile Home Park A contiguous parcel of land having a minimum area of 25 acres and plotted for the development of a minimum of 25 mobile home lots which are to be rented, leased or sold.

Motel A building or group of detached or connected buildings designed or intended or used primarily for the providing of sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed to be a motel.

Neighborhood Store A retail store that occupies less than two thousand (2,000) square feet of total floor area, which may include the sale of prepared food for take-out and the sale of motor vehicle fuels and lubricants.

Net Residential Acreage The gross available acreage less the area required for streets or access and less the areas of any portions of the site which are unsuitable for development because of topography, natural drainage or subsoil conditions. An acre shall be considered equal to 40,000 square feet of land area.

Net Residential Density Net residential density shall mean the number of dwelling units per net residential acre.

Nonconforming Use A building, structure or use of land existing at the time of enactment of this Ordinance and which does not conform to the regulations of the district or zone in which it is situated.

Normal High Water Mark

Coastal Waters - That line on the shore of tidal waters reached by the shoreward limit of the rise of the medium tides between the spring and the neap.

Inland Waters - That line on the shores and banks of nontidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. In places where the shore or bank cannot be easily determined (rock slides, ledges, rapidly eroding or slumping banks), the normal high water mark shall be estimated from places where it can be determined by the above method.

Parking Space Parking space shall mean an area of not less than 200 square feet, exclusive of drives or aisles giving access thereto, accessible from streets or aisles leading to streets and usable for the storage or parking of passenger vehicles. Parking space or access thereto shall be construed as to be usable year round.

Pier A permanent or temporary structure, located generally perpendicular to the shore, supported by piling, cribbing or solid fill, having a deck or platform suitable for the berthing, loading, unloading or servicing of vessels. Temporary, as used herein, means any structure which remains in the water for less than seven (7) months in any consecutive twelve (12) months. Except for mooring devices, safety equipment, equipment and structures directly associated with the services rendered to vessels using the pier, no building or structure shall extend

above the level of the deck of the pier and no dwelling shall be located thereon.

Piggery A building or portion thereof, or an enclosure, used or designed for the keeping of pigs.

Public Open Space and Recreational Use A park; playground; forest preserve; wildlife habitat; hiking or bridle path; or active recreational facility such as a ball field, tennis court, beach or launching ramp; owned or controlled by the municipality or an agency, board or commission thereof; which is primarily open but which includes those buildings and structures associated with the facility.

Public Utilities Those essential, public services, such as water, electricity, telephone, gas and transportation, whether publicly or privately owned, which are regulated by the Maine Public Utilities Commission, the Maine Department of Transportation or the Federal Communications Commission. The provisions of this Ordinance shall apply to those buildings and structures located outside of public rights-of-way, but shall not apply to facilities, either above or below ground, lying wholly within public rights-of-way.

Quasi-public Facility A facility for a recognized public purpose, such as an auditorium, library, park or museum, which is operated by a not-for-profit organization or by a public agency other than a municipality.

Rooming House Any dwelling in which more than three persons, whether individually or as families are housed for compensation with or without meals. This shall be deemed to include fraternities and sororities.

Sign Any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event.

Shore Frontage The straight line distance between the intersection of the side lot lines with the normal high water mark of a water body.

Street A way established or maintained under public authority, or a sixty (60) foot wide private way approved by the Planning Board and plotted, dedicated and recorded, or a way shown on a plan of a subdivision duly approved by the Planning Board.

Street Frontage The linear distance between the side lot lines, measured along the lot line that borders upon whatever right-of-way serves as legal access to the lot. For the purpose of this Ordinance, the following ways shall constitute legal access to a lot along which frontage may be measured:

- 1) a way accepted by or belonging to the Town of Thomaston,

Knox County or the State of Maine, providing access is not specifically prohibited;

- 2) a way, whether dedicated to public ownership or not, as shown on an approved subdivision plan; and
- 3) a private or public way which has been established and recorded in the Knox County Registry of Deeds or otherwise legally established by adverse possession or adverse use.

In the case of a lot situated on a curve of a way or on a corner of two ways, frontage may include the entire length of the property line(s) measured along such way(s).

Structure Any production or piece of work, artificially built up or composed of parts and joined together in some definite manner.

Subdivision A subdivision is the division of a tract or parcel of land into 3 or more lots within any 5-year period, whether accomplished by sale, lease, development, building or otherwise, except when the division is accomplished by inheritance, order of court or gift to a relative, unless the intent of such gift is to avoid the objectives of this section.

In determining whether a parcel of land is divided into 3 or more lots, land retained by the subdivider, for his own use as a single-family residence for a period of at least 5 years shall not be included.

No sale or lease of any lot or parcel shall be considered as being a part of a subdivision if such a lot or parcel is 40 acres or more in size, except where the intent of such sale or lease is to avoid the objectives of this statute.

Trailer Trailer shall mean any vehicle used or so constructed as to permit its being used as a conveyance on the public streets and highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof as a temporary dwelling for one or more persons. A trailer shall not be construed as a mobile home for the purposes of this Ordinance.

Transportation Facility A fixed installation serving public transportation such as tracks, piers, stations, storage and serving facilities.

Variance A variance is a relaxation of the terms of this Ordinance where such variance will not be contrary to the public to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance will result in unnecessary or undue hardship.

A financial hardship shall not constitute grounds for granting a variance. The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

Wharf A permanent structure located generally parallel to the shore, supported on piling, cribbing or solid fill, having a deck or platform

Yard

An unoccupied space, open to the sky, on the same lot with a building or structure.

Yard Front

An open unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot as it abuts along a public or private street.

Yard Rear

An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

Yard Side

An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

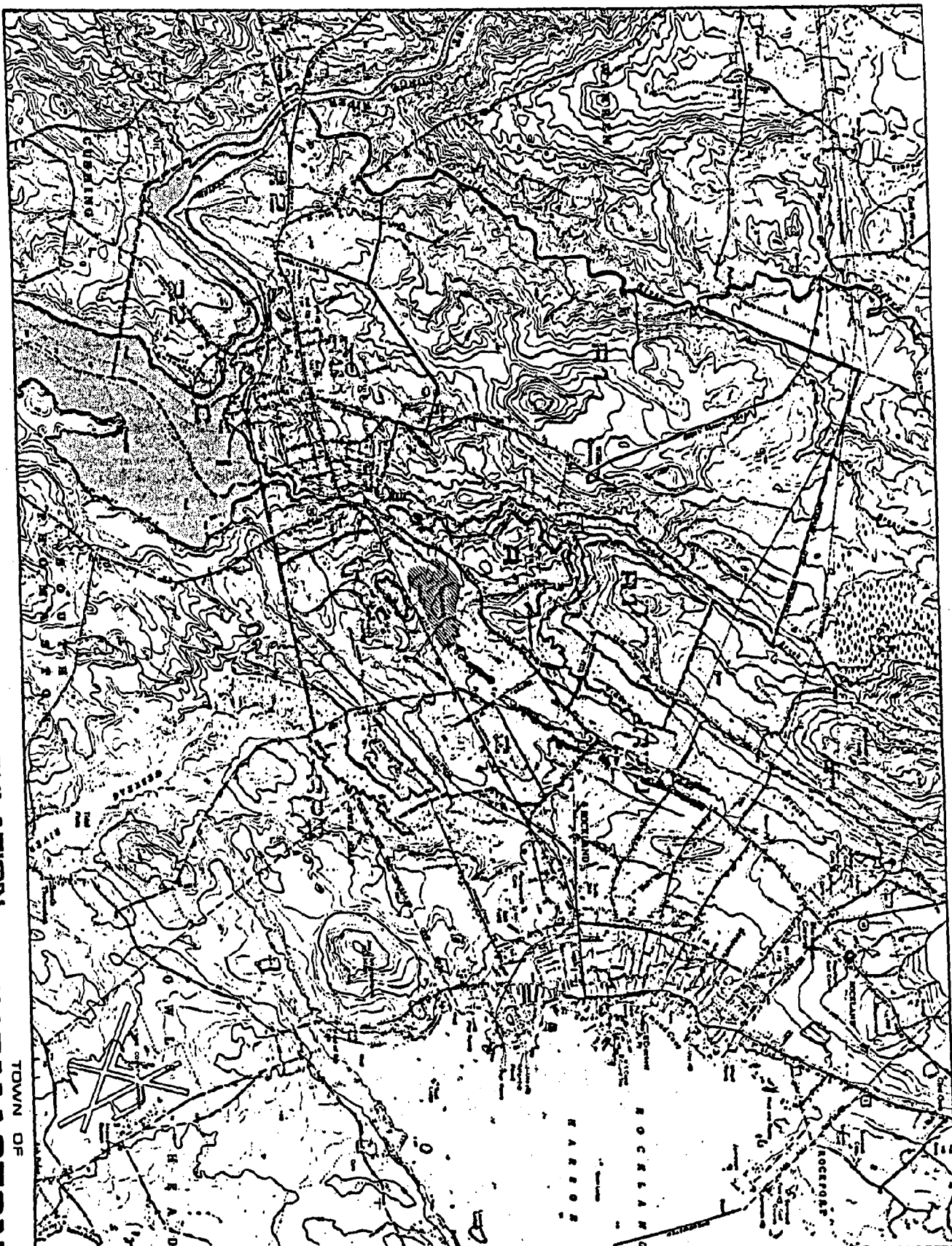
Corner Lots

In districts where yards are required.

Such corner lots, located at the intersection of two streets, shall be deemed to have a side rather than a front yard between the principal building and side street. Such side yard shall not be less than the front yard requirements of uses located on the side street.

Such corner lots located at the intersection of two streets, shall be deemed to have a side rather than a rear yard between the principal building and the abutting property on the side street. Such side yard shall not be less than the side yard requirements of uses located on the side street.

All such side yards described above shall conform with the specific regulations related to yard space and related building height contained in the district provisions of this Ordinance.



SCALE



MAP SOURCE: U.S.G.S.
REVISED 1973
EDWARD C. JORDAN CO., INC.
ENGINEERS & PLANNERS

ZONING - LAND USE REGULATION

THOMASTON

TOWN OF

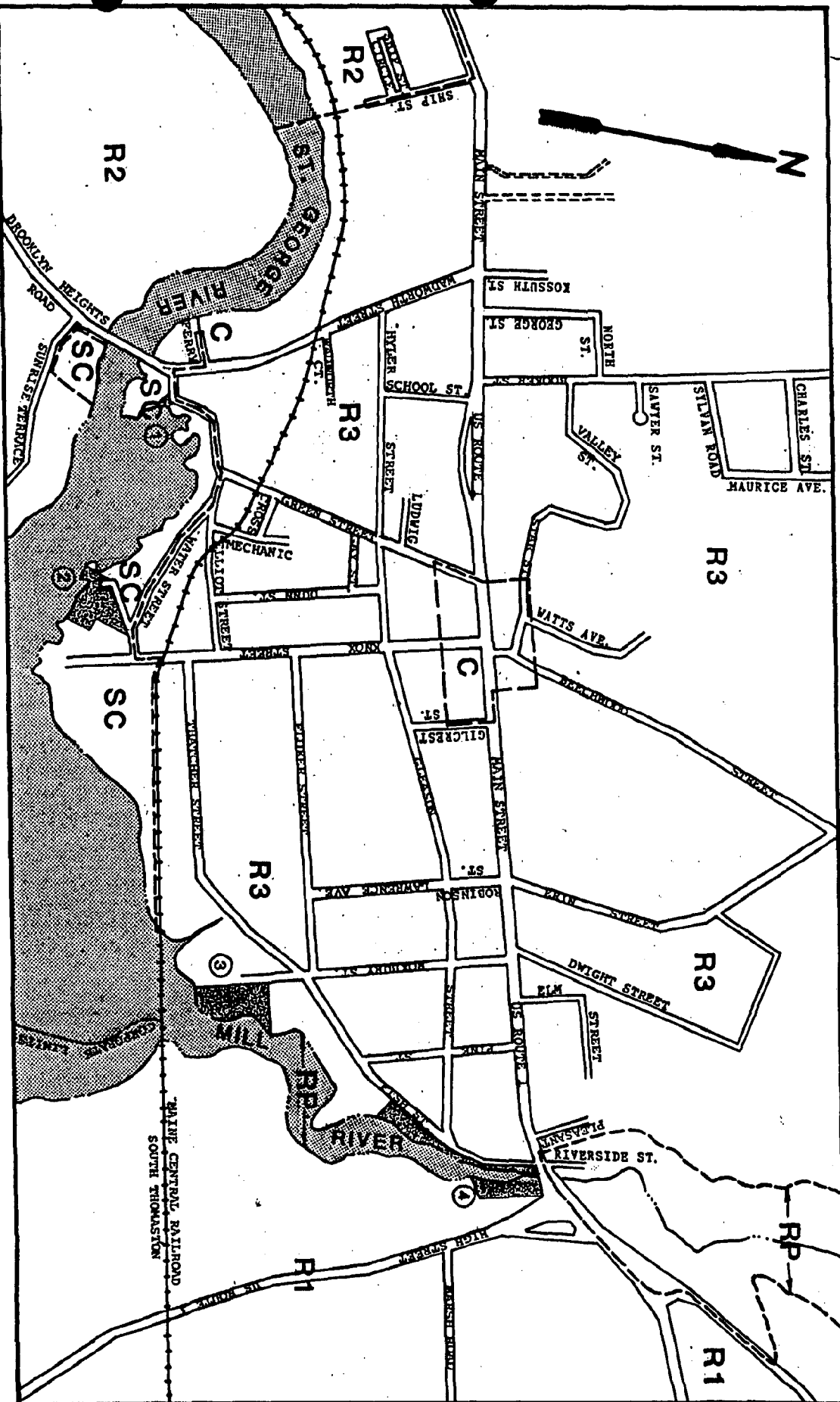
KNOX COUNTY

MAINE

MARCH 1975

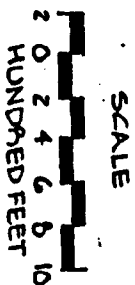
- ☒ R-1 RESIDENTIAL
- ☒ R-2 RESIDENTIAL
- ☒ R-3 RESIDENTIAL
- ☒ C COMMERCIAL
- ☒ I-1 INDUSTRIAL
- ☒ RPS RESOURCE PROTECTION DISTRICT





ZONING - LAND USE REGULATION:

- ☐ R1 RESIDENTIAL
- ☐ R2 RESIDENTIAL
- ☐ R3 RESIDENTIAL
- ☐ TOWN LAND
- ☐ C COMMERCIAL
- ☐ I INDUSTRIAL
- ☐ RP RESOURCE PROTECTION
- ☐ SC SHORELAND COMMERCIAL
- ☐ PARCEL NO.



MAP REVISED - 1987
KIMBALL CHASE CO.
BATH, MAINE

TOWN OF THOMASTON
URBAN AREA
KNOX COUNTY
MAINE
MARCH 1976
AMENDED APRIL 28, 1987

SECTION VII URBAN RESIDENCE DISTRICT R-3

A. PURPOSE

To preserve the physical, aesthetic and social quality of Thomaston's urban area and, consistent with this stated goal, to provide therein for the location of a variety of residential uses in accordance with the standards of this Ordinance. To this end, residential development shall not exceed the net residential acreage allowable herein and may preferably occur in accordance with the provisions of Chapter II Section IV of this ordinance.

B. PERMITTED USES

- 1) Single-family dwellings, exclusive of individual mobile homes.
- 2) Public open space recreational uses exclusive of drive-in theaters
- 3) School (including day nursery) municipal or state building or use, church, or any other institution of educational, religious, philanthropic, fraternal, political or social nature, which is not conducted for private gain nor used for residential occupancy.
- 4) Accessory uses
- 5) Home Occupation

C. CONDITIONAL USES (Subject to Approval of Board of Appeals)

- 1) Rooming houses or apartment building
- 2) Professional offices
- 3) Funeral homes
- 4) Art galleries
- 5) Public utility facilities including substations, pumping stations and sewage treatment facilities
- 6) Conversion of existing residential structures to:
 - a) Apartment Buildings
 - b) Bed and Breakfast/Tourist Homes
 - c) Rooming Houses

D. Space Standards

1) The general standards of performance of Chapter II shall be observed.

2) The following space standards shall apply:

	<u>Sewered</u>	<u>Unsewered</u>
Maximum net residential density	4 dwelling units/ net residential acre	2 dwelling units/ net residential acre
Minimum area per dwelling	10,000 sq. ft.	20,000 sq. ft.
Minimum street frontage (1)	100 ft.	100 ft.
Minimum shore frontage	100 ft.	100 ft.
Minimum setback from center line of street to any building or appurtenances thereof.	60 ft.	60 ft.
Minimum setback from tidal waters	125 ft.	125 ft.
Minimum rear and side yards, all buildings	15 ft. (2)	15 ft. (2)
(1) Frontage may be reduced to thirty (30) feet, measured along the chord, of a cul-de-sac. A cul-de-sac shall have a minimum right-of-way radius of fifty (50) feet.		
(2) Buildings higher than thirty (30) feet shall have side and rear yards not less than fifty (50) percent of building height.		
Maximum building height	38 ft.	38 ft.
Minimum set back from streams, water bodies and wetlands	75 ft.	75 ft.
Maximum building coverage	25%	20%

SECTION VIII

RURAL RESIDENTIAL DISTRICT R-2

- A. Much of the prevailing character of the Town of Thomaston is rural. It is the intent of this Ordinance to protect this natural rural quality from development sprawl by prescribing the most appropriate uses and standards. To this end, the following shall apply.

B. PERMITTED USES

- 1) Any building or use permitted in the Urban Residential District under Section VII B.
- 2) Any agricultural building or use including the keeping of large animals except a sawmill, piggery, and the raising of poultry for commercial purposes.
- 3) Accessory buildings and uses
- 4) Home Occupation

C. CONDITIONAL USES (Subject to Approval of Board of Appeals)

- 1) Shops used in the pursuit of trades including but not limited to carpenter shops, boat shops and yards, plumbers, etc.
- 2) Retail business and service establishments, designed to serve the residents of the particular neighborhood(s) in which it is located but excluding junk yards.
- 3) Public utility facilities including substations, pumping stations and sewage treatment facilities.
- 4) Cemeteries
- 5) Mineral extraction subject to the performance standards of this Ordinance.
- 6) Sawmill, piggery, the raising of poultry for commercial purposes.
- 7) Rooming house or apartment buildings.
- 8) Professional offices
- 9) The keeping and raising of horses for other than farming or commercial use.

D. STANDARDS

1) The general standards of performance of Chapter II shall be observed.

2) The following space standards shall apply:

	Public Sewer and Water	No Public Sewer and/or <u>No Public Water</u>
Maximum net residential density:	4 dwelling units/ net residential acre	1 dwelling unit/ net residential acre
Minimum area per dwelling unit:	10,000 sq. ft.	40,000 Sq. ft.
Minimum street frontage	100 ft.	150 ft.
Minimum Shore Frontage	100 ft.	100 ft.
Minimum set back from center line of street to any building or appurtenance thereof:	60 ft.	60 ft.
Minimum set back from tidal waters (1)	125 ft.	125 ft.
Maximum building coverage	20%	20%
Minimum rear and side yards	15 ft. (2)	20 ft. (2)

(1) Does not apply to structures which require direct access to the water as an operational necessity, such as piers, wharves, retaining walls and boathouses.

(2) Buildings higher than 30 ft. shall have side and rear yards not less than 50% of building height.

Maximum building height:	38 ft.	38 ft.
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Minimum set back from streams, water bodies and wetlands:	75 ft.	75 ft.
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The following standards shall apply for the keeping and raising of horses:

A yard rear, excluding the non-fenced portion, of at least 20,000 square feet in size and a net residential acreage of at least 40,000 square feet for each horse kept on the premises, and

Fencing that will permanently confine the horses to the yard rear of the premises and set back at least 15 feet from adjoining property lines, and

Shelter provisions meeting any requirements promulgated by State Law or by the State Bureau of Animal Welfare, and

Provisions for the prevention of animal effluent accumulation and for the prevention of effluent drainage from the site.

- 3) In the case of planned unit or clustered residential development, the above standard may be modified in accordance with special provisions of Chapter II, Section IV of this ordinance and with the condition that:
- a) Sewerage and water shall be provided by the developer.
 - b) A minimum land area of 10 acres shall be provided.
 - c) The maximum net density shall not exceed 3 dwelling units per net residential acre.

SECTION IX

RURAL RESIDENTIAL AND FARMING DISTRICT R-1

A. PURPOSE

The prevailing character of the Town of Thomaston is rural. It is the intent of this Ordinance to protect this natural rural quality from development sprawl by prescribing the most appropriate uses and standards. To this end, the following shall apply.

B. PERMITTED USES

- 1) Any building or use permitted in the Urban Residential District under Section VII. B.
- 2) Agricultural and horticultural uses and sale of farm produce on the premises and the keeping of large animals.
- 3) Accessory uses and buildings.
- 4) Recreational and/or community activity buildings and/or grounds except those operated for profit.
- 5) Public and private educational facilities.
- 6) Churches.
- 7) Home Occupations
- 8) Mobile homes constructed after June 15, 1976.

C. CONDITIONAL USES (Subject to Approval of Board of Appeals)

- 1) Municipal uses and buildings other than open space recreational uses.
- 2) Public utility facilities including substations, pumping stations and sewage treatment facilities.
- 3) Cemeteries.
- 4) Mobile home parks on sites of at least 10 acres and subject to the subdivision regulations of the Town of Thomaston and Chapter II, Section VI of this ordinance.
- 5) Mineral extraction subject to the performance standards of this Ordinance.
- 6) Neighborhood commercial facilities intended to serve the immediate area in which it is constructed.
- 7) Recreation activity buildings and grounds operated for profit.

- 9) Rooming houses or apartment buildings.
- 10) Professional offices.
- 11) Sawmill, piggery or the raising of poultry for commercial purposes.

D. STANDARDS

- 1) The general standards of performance of Chapter II shall be observed.
- 2) The following space standards shall apply:

Maximum net residential density	1 dwelling unit/net residential acre
Minimum area per dwelling	40,000 square feet
Minimum street frontage	150 feet
Minimum set back from center line of street to any building or appurtenances thereof	60 feet
Maximum building coverage	20%
Minimum rear and side yards	15 ft.
Buildings higher than 30 feet shall have side and rear yards not less than 50% of the building height.	
Maximum building height	38 feet
Minimum set back from streams, water bodies and wetlands (1)	75 feet
Minimum Shore frontage	150 ft.
Minimum setback from Tidal Waters of Mill River south of U.S Rte. 1 and Oyster River (1)	125 feet
- (1) Does not apply to structures which require direct access to to the water as an operational necessity, such as piers, wharves, retaining walls and boathouses.
- 3) In the case of planned unit or clustered residential developments, the above standards may be modified in accordance with the special provisions of Chapter II, Section IV, of this Ordinance and with the conditions that:
 - a) Sewage and water shall be provided by the developer.
 - b) A minimum land area of 10 acres shall be provided except where otherwise prescribed.
 - c) The maximum net density shall not exceed 2 dwelling units per net residential acre.

SECTION X

RESOURCE PROTECTION DISTRICT - RP

A.

PURPOSE

To further the maintenance of safe and healthful conditions; prevent and control potential water pollution sources; protect spawning grounds; fish, aquatic life, bird and other wildlife habitat; and conserve shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty. To this end no structures will be permitted except as herein defined:

B.

PERMITTED USES

- 1) Outdoor conservation and recreational uses not operated for profit.
- 2) Harvesting of wild crops, shellfish and hunting, fishing and trapping.

C.

CONDITIONAL USES (Subject to Approval of Board of Appeals)

- 1) Structures accessory to permitted uses and nonconforming uses and single lots of record used for residential purposes.
- 2) Agricultural uses and practices and tree harvesting operations.
- 3) Recreational uses operated for profit upon showing that water quality will not be adversely affected and potential flood damage would be at a minimum.
- 4) Conservation practices designed to stabilize or enhance natural or man-made conditions.

D.

STANDARDS

- 1) The general standards of performance of Chapter II shall be observed.
- 2) All Appeals or changes to District Boundry Lines shall be transmitted to the Maine Department of Environmental Protection with return receipts retained as a permanent record of the Board of Appeals.

SECTION XI

COMMERCIAL DISTRICT

A.

PURPOSE

To provide general sales, services and business space in the Town of Thomaston.

B.

PERMITTED USES

- 1) Any use permitted in an Urban Residence District
- 2) Retail, service and wholesale businesses and service establishments, but excluding used car lots, junk yards, lumber yards and coal yards.
- 3) Business and professional offices
- 4) Public and private educational, amusement, assembly, and medical facilities
- 5) Accessory uses and buildings

C.

CONDITIONAL USES (Subject to Approval of Board of Appeals)

- 1) Used car lot
- 2) Gasoline station and/or repair garage
- 3) Funeral home
- 4) Public utility facilities including substations, pumping stations and sewage treatment plants
- 5) Rooming house or apartment building
- 6) Bowling alley
- 7) Manufacturing activities provided no exterior storage for materials is allowed
- 8) Lumber yard

D.

SPACE STANDARDS

- 1) The general standards of performance of Chapter II shall be observed.
- 2) The following space standards shall apply:

Minimum lot size	None*
Minimum area per dwelling unit	*
Minimum street frontage	None*

Minimum set back from
center line of street to
any building or appur-
tenances thereof

60 ft.

Minimum side and rear
yards

15 ft.* except as otherwise
required by the buffer provi-
sions of this Ordinance and
except where the side and/or
rear yards abut a residential
district, in which case a min-
imum of 20 ft. or 50% of the
building or outdoor stored
material height, whichever is
greater, shall be required.

Minimum set back from
streams, water bodies
and wetlands

None*, provided public sewerage
is utilized. If not, set back
will be a minimum of 75 ft.

Maximum building or out-
door stored material coverage

None*

*Except that space standards for residential uses
shall be the same as for the Urban Residence District.

- 3) All Commercial District areas are considered as Fire Limit
zones. All structures shall meet the standards enumerated
in the "Original Ordinances of the Town of Thomaston Revised
1972, Section 11-202, Entitled Classification of Occupancies
and Types of Construction."

SECTION XII

INDUSTRIAL DISTRICT 1

A.

PURPOSE

To provide districts within the Town for manufacturing, processing, treatment, research, warehousing, storage and distribution, where there is no danger of explosion or other hazards to health or safety, and to which end, all the performance standards as set forth in this Ordinance shall apply.

B.

PERMITTED USES

The following uses are permitted, except for uses involving the manufacture or wholesale distribution of creosote, disinfectant, insecticide, poisons, gasoline, petroleum, kerosene, paint, varnish or shellac, or the use of blast furnaces.

- 1) Manufacturing, processing and treatment
- 2) Warehousing and storage
- 3) Distribution and transportation
- 4) Research laboratories
- 5) Retail facilities and services accessory to principal permitted uses but excluding junk yards
- 6) Mineral extraction
- 7) Accessory buildings and uses

C.

CONDITIONAL USES (Subject to Approval of Board of Appeals)

- 1) Any use involving the manufacture or wholesale distribution of creosote, disinfectant, insecticide, poisons, gasoline, petroleum, kerosene, paint, varnish or shellac, or the use of blast furnaces
- 2) Municipal buildings and uses
- 3) Public utility facilities including substations, pumping stations and sewage treatment facilities

D.

SPACE STANDARDS

- 1) The general standards of performance of Chapter II shall be observed.
- 2) The following space standards shall apply:

Minimum area of lot

40,000 square feet

Maximum building coverage

Any industry shall provide for each one square foot of industrial plant space, two square feet of open space, and industrial plant space shall be the sum total of all floors

Minimum set back from center line of street to any building or appurtenance thereof

130 feet

Minimum side and rear

25 feet or 50% of building height whichever is greater except abutting residential district shall be a minimum of 50 ft. or the height equivalent of the principal building or use, whichever is greater, and shall comply with the buffering requirements of this Ordinance.

Maximum building height

50 feet

Minimum set back from streams, water bodies and wetlands

75 feet

Thomaston

Land Use and Development Ordinance

SECTION XIII SHORELAND COMMERCIAL DISTRICT - SC

A. PURPOSE

To recognize the maritime qualities of this district, both natural and manmade, and to reserve this limited area for those land uses and activities requiring or deriving major benefits, both to themselves and to the citizens of Thomaston generally, from their location in this district. In addition, public access to the harbor for commercial and recreational purposes shall be encouraged.

The Shoreland Commercial District is bounded on the north by a line extending easterly along the centerline of Ferry Avenue from the normal high water mark of the St. George River at its intersection with the right-of-way of Ferry Avenue to its intersection with Wadsworth Street, thence southerly along the centerline of Wadsworth Street to its intersection with Water Street, thence generally easterly along the centerline of Water Street to its intersection with Knox Street, thence northerly along the centerline of Knox Street to the railroad crossing, now or formerly, of the Maine Central Railroad, thence easterly along the centerline of the said railroad right-of-way to its intersection with the normal high water mark of the Mill River, thence generally westerly along the normal high water mark of the St. George River to the point of beginning; also

An area bounded on the west by the easterly boundary line of Brooklyn Heights Road between Sunrise Terrace and the normal high water mark of the St. George River, on the north by the normal high water mark of the St. George River, on the east by the easterly

property line of Map 23, Lot 2, now or formerly of Jeffrey B. Armstrong (Jeff's Marine), extending between the normal high water mark of the St. George River and the northerly boundary line of Sunrise Terrace, and on the south by the northerly boundary line of Sunrise Terrace between the easterly property line of Map 23, Lot 2 and the easterly boundary line of Brooklyn Heights Road at its intersection with Sunrise Terrace, including the entire area of Map 23, Lot 2.

B. PERMITTED USES

- 1) Marinas, boatyards and shipyards.
- 2) Public open space and recreational uses.
- 3) Wharves, piers, floats, launching facilities and bulkheads.
- 4) Marine related retail and service uses.
- 5) Business and professional offices incidental to permitted uses.
- 6) Accessory buildings and uses.

C. CONDITONAL USES (Subject to Approval of Board of Appeals)

- 1) Public Utilities.
- 2) Marine research laboraories, aquacultural facilities.
- 3) Transportation facilities.
- 4) Quasi-Public facilities.
- 5) Lumber and coal yards.
- 6) Fish and shellfish loading, processing, depuration and storage facilities.
- 7) Restaurants.
- 8) Neighborhood stores.
- 9) Business and professional offices.

- 10) Retail, service and wholesale businesses and service establishments, excluding automotive sales and service facilities and junk yards.

D. SPACE STANDARDS

- 1) The general standards of performance of Chapter II shall be observed.
- 2) The following space standards shall apply:

Minimum lot area	7,500 square feet
Minimum street frontage	75 feet
Minimum shore frontage	75 feet
Maximum building coverage	50 %
Minimum setback from center line of street to any building or appurtenance thereof	30 feet
Minimum side and rear yards	15 feet, except as otherwise required by the buffer provisions of this Ordinance and except where the side or rear yards abut a residential district, in which case a minimum of 20 feet or 50% of the building or outdoor stored material height, whichever is greater, shall be required.
Minimum setback from streams, water bodies and wetlands	25 feet, provided public sewerage is used. If not, 125 feet. Does not apply to structures which require direct access to the water as an

CHAPTER II

GENERAL STANDARDS OF PERFORMANCE

In case of doubt, the Code Enforcement Officer may employ independent, recognized consultant necessary, after prior notification to and at the expense of the applicant, to assure compliance with all requirements of this Ordinance related to the public health, safety and welfare and the abatement of nuisances. The estimated costs of such studies shall be deposited with the Town prior to their undertaking.

SECTION I

ENVIRONMENTAL

A

SOIL SUITABILITY

1) In all districts, the approval of building permit applications shall be subject to evidence of satisfactory subsurface soil conditions for drainage and sewage disposal, and where on-site septic disposal is proposed, shall be subject to prior obtainment of a plumbing permit.

2) The requirements and standards of the Maine Department of Environmental Protection, Department of Human Services and the latest revised edition of the State Plumbing Code shall be met.

B

PREVENTION OF EROSION

1) No person shall perform any act or use of the land in a manner which would cause substantial or avoidable erosion, create a nuisance, or alter existing patterns of natural water flow in the Town. This shall not affect any extractive operations complying with the standards of performance specified elsewhere in this Ordinance.

2) All development shall generally comply with the "Environmental Quality Handbook, Maine, Revised March 1986", as amended, published by the Maine Soil and Water Conservation Commission. Special consideration shall be given to the following:

a) Select a site with the right soil properties, including natural drainage and topography, for the intended use.

b) Utilize for open space uses those areas with soil unsuitable for construction.

c) Preserve trees and other vegetation wherever possible.

d) Hold lot grading to a minimum by fitting the development to the natural contour of the land, avoid substantial areas of excessive grade.

e) Spread jute matting or straw during construction in critical areas subject to erosion.

- f) Construct sediment basins to trap sediment from run-off waters during development. Expose as small an area of subsoil as possible at any one time during development and for as short a period as possible.
- g) Provide for disposing of increased run-off caused by changed land formation, paving and construction, and for avoiding sedimentation of run-off channels, on or off the site.
- h) Plant permanent vegetation and install structures as soon as possible for the purpose of soil stabilization and revegetation.

C.

EARTH MATERIAL REMOVAL

- 1) All rock quarrying operations within Thomaston may be permitted under the terms of this Ordinance upon showing that all applicable State and Federal laws and regulations pertaining to quarrying activities are met.
- 2) Topsoil, sand and gravel may be removed from locations where permitted under the terms of this Ordinance only after a special permit for such operations has been issued by the Code Enforcement Officer upon approval by the Board of Appeals and review of plans by the Planning Board in accordance with the provisions of this Ordinance, and provided that nothing herein shall be deemed to apply to normal excavation operations incidental to construction activities for which a valid permit is held. The following standards shall be met:
 - a) Specific plans are established to avoid hazards from excessive slopes or standing water. Where an embankment must be left upon the completion of operations, it shall be at a slope not steeper than 1 foot vertical to 4 feet horizontal.
 - b) The operation is shielded from surrounding property with adequate screening.
 - c) No water source is disturbed.
 - d) No excavation shall be extended below the grade of adjacent streets unless 100 feet from the street line or unless provision has been made for reconstruction of the street at a different level.
 - e) There shall be a distance of at least twice the depth of the excavation between the edge of the digging or quarrying activities and the property lines.

f) Sufficient topsoil or loam shall be retained to cover all areas, so that they shall be seeded and properly restored to a stable condition adequate to meet the provisions of the "Environmental Quality Handbook, Maine, Revised March 1986", as amended, published by the Maine Soil and Water Conservation Commission.

3) In considering special permits for removal of earth materials, the Board of Appeals shall take into consideration the following items and may impose such conditions as necessary to safeguard the health, safety and welfare of the community.

- a) fencing, landscaping buffer strips, public safety
- b) advertising signs, lighting
- c) parking space, loading and unloading areas
- d) entrances and exits
- e) time period for operation
- f) hours of operation
- g) methods of operation
- h) weight and loading limit on trucks
- i) ecological and other natural considerations, including excessive erosion and sedimentation
- j) coverage of loads and prevention of sand and gravel spillage upon public streets
- k) rehabilitation proposals

D. FLOOD PLAIN AREAS

Land along rivers, streams and ponds which is subject to flooding through storm or seasonal action, called flood plain areas, may be used for woodland, grassland, agricultural or outdoor recreational use. The Code Enforcement Officer shall maintain a map showing known flood plain areas, and no building or structure of any kind, except wharves, piers, floats, boathouses and retaining walls shall be located therein. Flood plain areas shall be considered as those areas within the 100 year frequency flood plain as identified by authorized Federal or State agency, or where such identification is not available, are located on flood plain soil identified and described in the Knox-Lincoln County Soil Survey to comprise the following soil types: Hadley (Ha); Winooski (Wn); Mixed Alluvial (Mn); Limerick (Lk).

All buildings and structures designed and intended for human occupancy shall have their lowest floor, including basement elevated one foot above the 100 year flood level, twelve (12) feet above National Geodetic Vertical Datum (NGVD), formerly Mean Sea Level (MSL) 1929.

E. AGRICULTURE

- 1) All spreading or disposal of manure shall be accomplished in conformance with the "Maine Standards for Manure and Manure Sludge Disposal on Land" published by the University of Maine and Maine Soil and Water Conservation Commission in July, 1972, or subsequent revisions thereof.
- 2) Where soil is tilled, an untilled filter strip at least fifty (50) feet in width of natural vegetation shall be retained between the tilled ground and the normal high water mark of the surface water areas.
- 3) Agricultural practices shall be conducted to minimize soil erosion, sedimentation, contamination, and nutrient enrichment of ground and surface waters.

F. SHORELAND AREA PROTECTION

- 1) The following standards are pursuant to Maine Revised Statutes Part 7, Chapter 424, Section 4811, Shoreland Areas.

"4811. Shoreland areas

To aid in the fulfillment of the State's role as trustee of its waters and to promote public health, safety and the general welfare, it is declared to be in the public interest that shoreland areas defined as those land areas any part of which are within 250 feet of the normal high water mark of any pond, lake, river or salt water body be subjected to zoning and subdivision controls. The purposes of such controls shall be to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish, aquatic life, bird and wildlife habitat; control building sites, placement of structures and land uses; and conserve shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty."

For purposes of this Code, the above shall be construed to include all permanent or seasonal wetland areas located in Town of Thomaston as indicated by U.S.G.S. topographic maps of the Town or other official sources including U.S. Soil Conservation Surveys and maps and the State of Maine Department of Environmental Protection.

- 2) The following conditions, limitations or standards shall apply to any use permitted in the Town of Thomaston on land located adjacent to the high water mark of any shoreland area described above.
 - a) The excavation of channels and boat basins, wildlife management impoundments and other such excavations are subject to the condition that no fill or other material shall be placed below the high water mark of shoreland except as may be necessary for bank stabilization and as will not be an impediment to the natural flow of water even in time of flood.

b) Within seventy-five (75) feet of the high water mark no principal building shall be constructed or placed except as otherwise provided in Chapter 1 of this Ordinance and no septic tank, leaching field or area, seepage pit or cesspool shall be located within one hundred (100) feet of high water mark. No refuse, garbage, trash, timber harvesting slash, rubbish or debris shall be placed within this area. Variance of setbacks from the high water mark for all subsurface sewage disposal facilities shall be allowed only in conformance with the Maine State Plumbing Code, Part II, (State of Maine Subsurface Wastewater Disposal Rules, Chapter 241), as amended. No variance under this section shall be granted for new construction.

c) The guidelines of this section, subsection B, Erosion Prevention shall be fully observed.

d) Tree harvesting or other development operations shall be conducted in such a manner that a well distributed stand of trees is retained along the shoreline. In no case shall such clearing exceed 30 feet in width for every 100 feet of shoreline measured along the normal high water mark.

e) All roads shall be located, constructed and maintained in such a manner that minimal erosion hazard results. Additionally, road crossings of water courses shall be kept to a minimum and bottoms of culverts shall be installed at stream bed elevation.

f) Wherever soil in excess of 20,000 sq. ft. is tilled and lies either wholly or partially within 250 feet, measured horizontally of the normal high water mark, such tillage shall be carried out in conformance with the provisions of a conservation plan which meets the standards of the State Soil and Water Conservation Commission. The number of the plan shall be filed with the Planning Board. Such plan shall be filed regardless of any nonconforming land uses existing at the effective date of this Code.

G. WASTE WATER POLLUTION

- 1) Waste water to be discharged into Thomaston municipal sewers, should they be available, shall be in such quantities and/or of such quality as to be compatible with standards established by the municipality.
- 2) To meet those standards, the Municipality may require that such wastes shall undergo pretreatment or full treatment at the site in order to render them acceptable for the treatment process.
- 3) The disposal of waste water by means other than a public system must comply with the laws of the State of Maine and the Town concerning water pollution.

H. AIR POLLUTION

- 1) All air pollution control shall comply with minimum State requirements and detailed plans shall be submitted to the State of Maine Department of Environmental Protection for approval, before a permit is granted.

I. NOISE ABATEMENT

- 1) Noise may be equal but not exceed during any consecutive² 8-hour period an average of 75 dba (re 20 micro-newtons/m²) measured at any boundary line. During the peak activity of 60 minutes in a 24-hour period a noise may not exceed 100 dba when measured at the source.

J. BUFFER AREAS

- 1) Any nonresidential yard space abutting an existing or potential residential area shall be maintained as a buffer strip by the developer. Such buffer area shall be for the purpose of eliminating any adverse effects upon the environmental or aesthetic qualities of abutting properties or any type of nuisance affecting the health, safety, welfare and property values of the residents of Thomaston.
- 2) Natural features shall be maintained wherever possible to provide a break between the proposed development and abutting properties.
- 3) When natural features such as topography, gullies, stands of trees, shrubbery, rock outcrops, do not exist or are insufficient to provide a buffer, the developer shall landscape or otherwise provide fencing or screening at a minimum height of four feet above finished grade.
- 4) Fencing, screening or natural features, or combination thereof, shall be sufficient to shield from the view of abutting residential properties, and otherwise prevent any kind of nuisance; all loading and unloading operations, storage areas, commercial vehicle parking, waste disposal and collection areas.
- 5) Fencing and screening shall be durable and properly maintained at all times by the owner.
- 6) Fencing and screening shall be so located within the developer's property line to allow access for maintenance on both sides without intruding upon abutting properties.
- 7) All buffer areas shall be maintained in a tidy and sanitary condition by the owner.

SECTION II

PARKING, LOADING AND TRAFFIC

A.

OFF-STREET PARKING STANDARDS

- 1) Off-street parking, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve conforming uses located in any district.
- 2) The following minimum off-street parking and loading requirements shall be provided and maintained in case of new construction, alterations and changes of use. Such parking may be provided in the open air in spaces each ten feet wide by twenty feet long, or spaces dimensioned as may be required to suit the particular use or in garages. All spaces shall be accessible from lanes of adequate size and location.

Automobile, Truck and
Tractor Repair and Fill-
ing Stations:

1 parking space for each regu-
lar employee plus 1 space for
each 50 sq. ft. of floor area
used for service work.

Dwellings:

2 vehicle spaces per each
dwelling unit.

Motels, tourist homes,
rooming houses, or other
rooming spaces associated
with a permitted use:

1 parking space for each sleep-
ing room.

Hotels:

1 parking space for each 2 guest
rooms.

Schools:

Nursery Schools - 1 parking space
for each 2 rooms used as nursery
rooms.

Elementary Schools - 1 parking
space for each adult employee
plus 3 parking spaces.

Junior High Schools - 1 parking
space for each adult employee
plus 15 parking spaces for each
100 students or major fraction
thereof of total enrollment.

Senior High Schools - 1 parking
space for each adult employee
plus 15 parking spaces for each
100 students or major fraction
thereof of total enrollment.

Hospitals, sanatoria,
nursing homes:

1 parking space for each 500
square feet or major fraction
thereof of floor area, exclu-
sive of basement.

Theaters, auditoria,
churches, arenas:

1 parking space for each 4 seats
or for each 100 square feet or
major fraction thereof of assem-
blage space if no fixed seats.

Mortuary Chapels:

5 parking spaces for each chapel.

Retail Stores:

3 square feet of parking for each
one square foot of floor area
used for retail sales.

Bowling Alley:

3 parking spaces for each bowling
lane.

Restaurants:

1 parking space for each 100
square feet, or major fraction
thereof, of floor area not used
for storage or food preparation.

Drive-in restaurants,
snack bars:

Minimum 25 parking spaces plus 4
square feet of parking for each
square foot of floor space in
excess of 2,500 square feet.

Offices, professionals,
and public buildings:

1 parking space for each 500
square feet or major fraction
thereof, of floor area exclu-
sive of bulk storage areas.

Transportation Terminals:

In addition to meeting all appli-
cable standards as enumerated
above, transportation terminals
shall meet the following: 1
parking space for each employee,
1 parking space for each three
seats of the terminal's major
carrier vehicle and 1 parking
space for each rented vehicle
to be based on-site.

Industry, manufacturing
and business:

1 parking space for each 1,000
square feet of floor area, or
major fraction thereof, for that
part of every business, manufac-
turing and industrial building
not catering to retail trade and
with floor area over 3,000 square
feet.

- 3) Required off-street parking in all districts shall be located on the same lot as the principal building or use except that where it cannot reasonably be provided on the same lot, the Board of Appeals may authorize residential off-street parking to be located on another lot within 300 feet of the residential uses served as measured along lines of public access. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required.

- 4) Required off-street parking in all business and industrial zones shall be located on the same lot with the principal building or use, or within 100 feet measured along lines of public access, except that where off-street parking cannot be provided within these limits, the Board of Appeals may permit such off-street parking to be located a reasonable distance from the principal building or use, measured along lines of public access. Such parking areas shall be held under the same ownership or lease, and evidence of such control or lease shall be required. Such lots shall be located within business or industrial districts.
- 5) The surface of driveways for business, industrial and joint residential maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six inches in depth, well compacted and with a wearing surface equivalent in qualities of compaction and durability to fine gravel.
- a) A system of surface drainage shall be provided in such a way that the water run-off shall not run over or across any public sidewalk or street.
 - b) Where artificial lighting is provided, it shall be shaded or screened so that no light source shall be visible from outside the area and its access driveways.
- 6) The Board of Appeals may, in its judgment, reduce the requirements for off-street parking where it is clearly demonstrated that such reduction will not detract from neighborhood values, inconvenience the public, or increase congestion in the streets.
- 7) The Board of Appeals may approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said parking facility will substantially meet the intent of the requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments.

B.

OFF-STREET LOADING STANDARDS

- 1) In those districts where off-street loading is required, the following minimum off-street loading bays or loading berths shall be provided and maintained in the case of new construction, alterations, and changes of use:

Office Buildings and Hotels with a gross floor area of more than 100,000 square feet: 1 Bay.

Retail, wholesale and industrial operations with a gross floor area of more than 5,000 square feet:

5,001 to 40,000 sq. ft.	1 Bay
40,001 to 100,000 sq. ft.	2 Bays
100,001 to 160,000 sq. ft.	3 Bays

Each 80,000 square feet over 160,000, 1 additional Bay

- 2) Each loading bay shall have minimum dimensions of 70 feet by 14 feet and may be located either within a building or outside and adjoining an opening in the building. Every part of such loading bay shall be located completely off the street. In case trucks, trailers, or other motor vehicles larger than the dimensions of the minimum loading bay habitually serve the building in question, additional space shall be provided so that such vehicle shall park or stand completely off the street.
- 3) The provisions of this section for off-street loading shall not be construed as prohibiting incidental curbside business deliveries, dispatches, or services provided that they are in compliance with all applicable State and local traffic regulations.
- 4) The Board of Appeals shall have full authority to waive the requirements of this Section where it may be shown that appropriate parking and loading spaces will be maintained sufficient for the intended use.

C.

ACCESS AND PARKING LAYOUT

- 1) To limit the proliferation of access points from parking areas to public highways and the resultant strip development, traffic hazards, congestion and other manifestations of commercial or industrial sprawl, each developer in a Commercial or Industry Zone shall be required to prepare and implement plans to ameliorate visual and safety concerns associated with highway development. The Planning Board shall review all plans and proposals under the terms of this Ordinance and together with the Town Manager shall approve or deny plans prior to the obtainment of a building permit. The following standards shall be considered:

Ingress and egress shall be controlled and limited and shall consider:

- a) Sight distances along the public right-of-way
- b) Effects on adjacent public access points
- c) Overall traffic safety considerations
- d) Turning movements of vehicles contemplated to be using the facility
- e) Snow removal
- f) Aesthetic and visual sighting from the public right-of-way
- g) Traffic signalization requirements

- 2) Where sufficient land is available, all traffic turning movements will be accomplished off the public traveled way.
- 3) The Town of Thomaston reserves the right to designate all ingress and egress points to the public highway and to select areas for the grouping and placement of signs and traffic directions.
- 4) All traffic flow in parking areas shall be clearly marked with signs and/or surface directions at all times.
- 5) All parking spaces shall be clearly marked.
- 6) Off-street parking shall be constructed in accordance with Maine State Department of Environmental Protection standards and guidelines.

D.

CORNER CLEARANCES

For purposes of traffic safety in all Districts, no building or structure other than public utility structures and traffic control devices may be erected and no vegetation other than shade trees may be maintained above a height of three feet above the plane through the curb grades of intersecting streets within a triangle two sides of which are the edges of the public ways for twenty feet measured from their point of intersection or in the case of rounded street corners, the point of intersection of their tangents. The Town of Thomaston shall not be held to be responsible for violations which lead to accidents. The Town shall direct, however, a continuous program designed to identify intersections having traffic safety problems.

CHAPTER II

SECTION III SIGNS

A. GENERAL

The following shall apply to all signs within the Town of Thomaston.

1) Permit Required Fee

No permanent sign shall hereafter be placed in view of the general public until a permit has been issued by the Code Enforcement Officer. Fees shall be in accordance with Chapter I, Section III G. of this Ordinance.

Nothing in this Section shall permit the placement of a sign not conforming with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants nor on property not under title, right, or interest of the owner or applicant.

2) Definitions

The term "SIGN" shall mean and include every written or printed message, street clock, announcement, declaration, display, illustration, or insignia used to advertise or promote the interests of any person when the same is placed out of doors or in view of the general public.

- a) Applied Sign: A sign painted or applied to the exterior building surface, including all lettering and symbols together with any background coloring other than the natural color of the building.
- b) Architectural Sign: A sign which relates to the architectural composition or is directly applied to the building facade becoming a strong element of the building's visual appearance.
- c) Awning Sign: A sign on or attached to a temporary retractable shelter that is supported entirely from the exterior wall of a building.
- d) Canopy or Marquee Sign: A sign on or attached to a permanent overhanging shelter that projects from the face of the building and is supported entirely or partially by the building.

e) Exempt Signs

- 1) Real estate signs not exceeding eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are located.
- 2) Signs denoting the architect, engineer, contractor, or funding agency when placed upon work under construction, and not exceeding eight (8) square feet in area.
- 3) Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- 4) Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary emergency or non-advertising signs.
- 5) Official Business Directional Signs erected and maintained in accordance with the Maine Traveller Information Services Act, Title 23, Section 1906. M.R.S.A.
- 6) Signs indicating only business hours.
- 7) Temporary signs.

f) Free-standing Sign: A sign not attached to any building.

g) Historic Marker: A permanent sign whose purpose is to indicate some significant facts about the building or its site. Plaques or historic markers are subject to review on an individual basis, but their area will not be figured in the allowable sign area for the building.

h) Iconic Sign: A sign which is traditionally accepted as a pictorial symbol conveying the nature of the business, such as: Barber pole, eyeglasses, boots, mortar, and pestle. It is normally constructed in heavy relief or is three dimensional.

i) Interior Sign: A sign installed on the interior but visible from the exterior of the building.

j) Multiple Sign: A group of signs clustered together in a single structure or compositional unit.

k) Parallel Sign: A wall-mounted sign parallel to the building surface projecting not more than six (6) inches from that surface.

- 1) Permanent Sign: A sign associated with a permanent or long-term including seasonal activity, whether attached to a building or fixed supporting structure or customarily placed in public view during any hours the associated establishment is open to the public.
- m) Projecting Sign: A wall-mounted sign at an angle to the building surface.
- n) Special Sign: Any special sign or three-dimensional sign structure requiring special treatment, not included in the previous definitions.
- o) Temporary Sign: A sign or banner associated with a specific event or activity of limited duration, and customarily removed following the event or cessation of the activity.
- p) Window Sign: A sign painted on or applied to the glass portion of a window.

3) Altering Signs

No sign, erected prior to (effective date of this ordinance) shall be altered or moved without being brought into compliance with the requirements of this ordinance. The changing of movable parts of signs that are designed for changes or the re-painting of display matter, or the replacement in kind of structural parts, shall not be considered as alterations.

4) Placement

No sign shall be placed so as to obstruct or interfere with free entrance or exit from any door, window, or fire escape.

No sign shall be attached to a standpipe or fire escape.

No sign other than a traffic control sign or device shall extend more than three (3) feet above the grade of intersecting streets and/or driveways within twenty (20) feet of their point of intersection or of the tangents of the curbs or edges of the pavement or driveway surface.

5) Area

Sign Area: The sign area includes all lettering, wording and accompanying design and symbols, together with the background whether open or enclosed, on which they are displayed. (This includes sections between parallel signs.) Minimal supporting, bracing, or framework is excluded, but any decorative structure is included. The area of painted or applied signs includes background of a color different from the building. Where lettering and/or symbols are applied or painted upon the natural color of the building, the sign area includes that within the outside dimensions of the message and symbol.

The sign area of complex signs is that area within a line connecting all major points of the sign's circumference.

On projecting signs having parallel signboards within one (1) foot of each other, or with two (2) sides of the same projecting sign, only one (1) side shall be counted in computing the area.

6) Maintenance and Repair

All signs, including their supporting structures and other components, shall be kept in good repair and shall be maintained to prevent rust, peeling, or similar deterioration. Vegetation and landscaping adjacent to any sign shall be maintained in a neat and sightly condition, and shall not interfere with the legibility of the sign. Damaged signs shall be repaired or removed within thirty (30) days. Any sign determined by the CEO to be an immediate public safety hazard shall be removed or repaired within twenty-four (24) hours. The Code Enforcement Officer may have it removed or repaired or secured to make it safe at the cost of the owner of the property on which the sign is located.

7) Obsolete Signs

All signs which cease to advertise a bona fide business conducted or product sold on the property after one (1) year shall be removed upon notification from the Code Enforcement Officer. If the sign is not removed, the Code Enforcement Officer shall have it removed. The owner of the property on which the sign is located is liable for the costs of removal.

8) Structural Standards

All signs shall be so constructed of metal, wood, or other approved material and shall be so supported and braced as to provide for the weight of the sign and to withstand wind pressure of at least thirty (30) pounds per square foot of surface. All electrical service shall be installed according to National Electrical Code Standards.

9) Defects

Signs placed within or over the limits of the sidewalks and streets in accordance with permits issued under the

terms of this ordinance shall not be deemed defects in such sidewalks and streets.

10) ILLUMINATION

All illumination shall meet applicable safety codes and standards.

All signs may be illuminated only by stationary non-flashing lights, except those devices which offer essential services to the public such as date, time, and weather conditions.

All illumination shall be designed and installed so as to prevent direct or glaring lighting of the public way(s) or nearby properties.

11) Prohibited Signs

Billboards

Signs on roofs, extended above the main roofline or cornice line of the building on which it is installed.

Signs painted on or applied to any roof.

B. RESIDENTIAL USES

A residential use may display the following:

One attached sign displaying the street number or name of the occupant(s) of the property, or both, not exceeding two(2) square feet in area.

One free-standing sign, which may display the street number, name of the occupant(s), permitted uses, and services rendered on the property, shall be permitted. The area of the sign shall not exceed three(3) square feet, no part of the sign nor its supporting framework shall exceed eight(8) feet above ground level, no dimension of the sign board or display area shall exceed four(4) feet, and no part of the sign shall be located within the public right of way.

C. COMMERCIAL/INDUSTRIAL USES

Non-residential uses may display signs identifying uses, goods sold, or services rendered on the property. Aggregate sign area, including all types of signs, shall not exceed two(2) square feet for every foot of ground floor street frontage to a maximum of one hundred (100) square feet, except that for shopping centers developed under a single ownership such signs may aggregate not more than one-half($\frac{1}{2}$) square foot for each foot of street frontage to a maximum of two-hundred (200) square feet.

1) Free-standing Signs

Where buildings are set back not less than forty (40) feet from the edge of the nearest public way, free-standing signs shall meet the following standards:

Sign area shall not exceed one hundred (100) square feet.

The height of the sign shall not exceed twenty-five (25) feet above ground level. No part of the signboard or display area located within twenty (20) feet of the edge of the travelled way, as defined by curbing or the pavement edge, shall be located between three (3) feet and ten (10) feet above ground level.

No more than one (1) free-standing sign per property shall be permitted.

No dimension of the signboard or display area shall exceed sixteen (16) feet.

No part of the sign shall be located closer than ten (10) feet from any lot line or curb.

Where buildings are set back less than forty (40) feet from the edge of the nearest public way, free-standing signs shall meet the following standards:

Sign area shall not exceed twenty (20) square feet.

The height of the sign shall not exceed fifteen (15) feet above ground level. No part of the signboard or display area located within twenty (20) feet of the edge of the travelled way, as defined by curbing or the pavement edge, shall be located between three (3) feet and ten (10) feet above ground level.

No more than one (1) free-standing sign per property shall be permitted.

No dimension of the sign board or display area shall exceed six (6) feet.

No part of the sign shall be located closer than six (6) feet from any lot line or curb.

2) Attached Parallel Signs

The lowest part of a parallel sign overhanging the public way shall have a minimum pedestrian clearance of eight (8) feet.

A parallel sign shall not extend beyond the side of a building.

The sign area shall not exceed two (2) feet in height.

3) ATTACHED PROJECTING SIGNS

The lowest part of a projecting sign overhanging the public way shall have a minimum pedestrian clearance of eight (8) feet.

A projecting sign shall not extend more than six (6) feet from the building face, nor beyond a point eighteen (18) inches toward the building from the curb line of the nearest street.

The sign area shall not exceed ten (10) square feet.

4) AWNING SIGNS

No awning shall extend more than two-thirds ($2/3$) of the width of the sidewalk, or eight (8) feet from the building whichever is less, nor beyond a point eighteen (18) inches toward the building from the curb line of the nearest street.

The lowest part of any awning shall have a minimum pedestrian clearance of eight (8) feet.

Lettering shall be limited to the valances.

The sign area shall not exceed twenty (20) square feet.

5) CANOPY OR MARQUEE SIGNS

No canopy or marquee shall extend more than two-thirds ($2/3$) of the width of the sidewalk nor closer than two (2) feet toward the building from the curb line of the nearest street.

The lowest part of any canopy or marquee shall have a minimum pedestrian clearance of eight (8) feet.

Lettering shall not extend over one (1) foot above the roof of the canopy or marquee.

The sign area shall not exceed twenty (20) square feet.

6) OTHER SIGNS

Window signs shall not cover more than twenty-five (25) percent of window area and shall not exceed two (2) feet in height.

Iconic Signs shall not exceed ten (10) square feet in sign area.

Multiple Signs shall not exceed overall dimensions of forty-eight (48) inches by eighteen (18) inches.

Historic Markers shall not exceed six (6) square feet in sign area.

CHAPTER II

GENERAL STANDARDS OF PERFORMANCE

SECTION IV

RESIDENTIAL

B.

CONVERSION OF EXISTING RESIDENTIAL STRUCTURES.

In all Residential Districts the following provisions shall apply to conversion of residential structures existing on the effective date of adoption or amendment of the following provisions of this Ordinance.

1) Apartment Buildings

- a) All required frontage: setback; building coverage: side and rear yard: building height: and setback from streams, water bodies and wetlands shall be met.
- b) The maximum net residential density for buildings served by public sewer and water shall not exceed 4 dwelling units/net residential acre: a minimum land area per dwelling unit of 10,000 square feet. Buildings not served by public sewer shall conform to the density and minimum area per dwelling unit required in the district and to the requirements of the State of Maine Plumbing Code.
- c) Each apartment unit shall contain complete cooking and bathroom facilities for the exclusive use of residents thereof and shall contain the following minimum floor areas:

<u>Type of Apartment</u>	<u>Square Feet</u>
Efficiency or studio	425
1 Bedroom	570
2 "	700
3 "	850
4 "	1020

- d) There shall be no exterior changes to the street front of the residence. Other exterior alterations shall be limited to those required to comply with applicable health, building, and fire safety codes and shall not substantially alter the single family appearance of the residence.
- e) Off street parking shall be provided in accordance with Chapter II, Section II, A. of this ordinance.

- f) No parking shall be located within the minimum setback from street centerlines or from side and rear lot lines.

2) Bed and Breakfast/Tourist Homes

- a) All required frontage: setback: building coverage: side and rear yard: building height: and setback from streams, water bodies and wetlands shall be met.
- b) Not more than four sleeping rooms, in addition to those occupied by the residents of the building, shall be permitted to be rented. Buildings not served by public sewer shall conform to the requirements of the State of Maine Plumbing Code.
- c) There shall be no exterior changes to the street front of the residence. Other exterior alterations shall be limited to those required to comply with applicable health, building, and fire safety codes and shall not substantially alter the single family appearance of the residence.
- d) Off street parking shall be provided in accordance with Chapter II, Section II, A. of this Ordinance.
- e) No parking shall be located within the minimum setback from street centerlines or from side and rear lot lines.

3) Rooming Houses

- a) All required frontage: setback: building coverage: side and rear yard: building height: and setback from streams, water bodies and wetlands shall be met.
- b) Not more than four sleeping rooms in addition to those occupied by the residents of the building, shall be permitted to be rented. Buildings not served by public sewer shall conform to the requirements of the State of Maine Plumbing Code.
- c) At least one complete bathroom shall be provided for every two rented sleeping rooms.

- d) There shall be no exterior changes to the street front of the residence. Other exterior alterations shall be limited to those required to comply with applicable health, building, and fire safety codes and shall not substantially alter the single family appearance of the residence.
- e) Off street parking shall be provided in accordance with Chapter II, Section II, A. of this Ordinance.
- f) No parking shall be located within the minimum setback from street centerlines or from side and rear lot lines.

SECTION IV

RESIDENTIAL

A.

CLUSTERED RESIDENTIAL DEVELOPMENT

In all Residential Districts the following special provisions may apply subject to the conditions set forth herein.

Notwithstanding other provisions of this Ordinance relating to space and bulk, the Planning Board in reviewing and approving proposed residential developments located in Thomaston, may modify said provisions related to space and bulk to permit innovative approaches to housing and environmental design in accordance with the following standards. This shall not be construed as granting variances to relieve hardship.

Innovative approaches to residential layout and environmental design shall be subject to the following criteria:

- 1) The purpose and intent of this Land Use and Development Ordinance shall be upheld.
- 2) There shall be compliance with all State and local codes and ordinances.
- 3) Each building shall be an element of an overall plan for site development. Only developments having a total site plan for structures will be considered.
- 4) There shall be no approval of any proposed development which exceeds the allowable net residential densities permitted without appeal in the district in which it is located. For the purposes of this Ordinance, net residential density shall be established by the area of residual space available for residential development after deduction of vehicular rights-of-way and land not buildable because of drainage, subsurface conditions or other natural impediment.
- 5) Residual open space shall be usable for recreational or other outdoor living purposes and for preserving large trees, tree groves, woods, ponds, streams, glens, rock outcrops, native plant life and wildlife cover. The use of any open space may be further limited or controlled at the time of final approval where necessary to protect adjacent properties or uses. Residual open space shall be dedicated to the recreational amenity and environmental enhancement of the development and shall be recorded as such. Such dedications may include private covenants or arrangements to preserve the integrity of open spaces and their use for agricultural or conservation purposes.
- 6) The developer shall take into consideration the following points, and shall illustrate the treatment of spaces, paths, roads, service and parking areas and other features required in his proposal.

- a) Orientation: buildings and other improvements shall respect scenic vistas and natural features.
 - b) Streets: access from public ways, internal circulation and parking shall be designed to provide for vehicular and pedestrian safety and convenience, emergency and fire equipment, snow clearance, street maintenance, delivery and collection services. Streets shall be laid out and constructed consistent with local requirements.
 - c) Drainage: adequate provision shall be made for storm waters, with particular concern for the effects of any effluent draining from the site. Erosion resulting from any improvements on the site shall be prevented by landscaping or other means.
 - d) Sewage Disposal: adequate provision shall be made for sewage disposal, and shall take into consideration soil conditions and potential pollution of surface or ground waters.
 - e) Water Supply: adequate provision shall be made for both ordinary use as well as special fire needs.
 - f) Utilities: all utilities shall be installed underground wherever possible. Transformer boxes, pumping stations, and meters shall be located so as not to be unsightly or hazardous to the public.
 - g) Recreation: facilities shall be provided consistent with the development proposal.
 - h) Buffering: planting, landscaping, disposition and form of buildings and other improvements, or fencing and screening shall be utilized to integrate the proposed development with the landscape and the character of any surrounding development.
 - i) Disposition of Buildings: shall recognize the need for natural light and ventilation.
- 7) For purposes of this section, the tract or parcel of land involved must be either in single ownership, or the subject of an application filed jointly by the owners of all the property included.
- 8) The developer shall file with the Town at the time of submission of final plans a performance guarantee. This may be tendered in the form of a certified check payable to the Town, a savings account passbook issued in the name of the Town, or a faithful performance bond running to the Town and issued by a surety company acceptable to the municipality. The conditions and amount of such check, passbook

or performance bond shall be determined by the Manager of the Town with the advice of various departments or agencies concerned. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage, and utilities or other improvements specified in the final plan, and shall guarantee the satisfactory completion of all specified improvements.

- 9) Common open space shall be dedicated after approval of the project. There shall be no further subdivision of this land, nor buildings constructed upon it without further planning review and which would cause the net residential density to exceed the density permitted in that district.
- 10) The common open space(s) shall be shown on the development plan and with appropriate notation on the face thereof to indicate that it:
 - a) shall not be used for future building lots
 - b) a part or all of the common open space may, at the option of the Town, be dedicated for acceptance by the Town for operation as a municipal recreation facility.
- 11) If any or all of the common open space is to be reserved for use by the residents, the formation and incorporation by the developer of a neighborhood association shall be required prior to final plat approval.
- 12) Covenants for mandatory membership in the association setting forth the owners' rights and interest and privileges in the association and the common land, shall be approved by the Planning Board and included in the deed for each lot.
- 13) This neighborhood association shall have the responsibility of maintaining the common open space(s).
- 14) The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of open space, neighborhood recreational facilities and Town assessments.
- 15) The developer or subdivider shall maintain control of such open space(s) and be responsible for their maintenance until development sufficient to support the association has taken place or, alternatively, the objectives of clustering have been met. Such determination shall be made by the Planning Board upon request of the Neighborhood Association or the developer or subdivider.

SECTION V

SITE DESIGN STANDARDS

A.

MINIMUM STANDARD FOR STREET DESIGN AND CONSTRUCTION

The design of streets shall provide for proper continuation of streets from adjacent development and for proper projection of streets into adjacent unsubdivided and open land.

B.

DEFINITIONS

For the purposes of this Ordinance certain terms used herein are defined as follows:

1) Local Residential Street

Any street which affords direct access to houses and places of business which do not generate significant amounts of traffic. These streets are always to be designed and constructed so as to discourage through traffic of any type.

2) Collector Streets:

Any street that carries the traffic to and from the major arterial streets to local access streets, or directly to destinations, or to serve local traffic generators.

3) Arterial Streets:

Major traffic routes connecting communities or substantial portions of communities.

C.

ACCEPTANCE OF STREETS AND WAYS

- 1) A street or way constructed on private lands by the owner(s) thereof and not dedicated for public travel prior to the date of enactment of this Ordinance, shall be laid out and accepted as a public street or way by the appropriate vote at Town Meeting only upon the following conditions:
 - a) The owner(s) shall give the Town a deed to the property within the boundaries of the street at the time of its acceptance by the Town.
 - b) A plan of said street or way shall be recorded in the Knox County Registry of Deeds at the time of its acceptance.
 - c) A petition for the laying out and acceptance of said street or way shall be submitted to the Town upon a form to be prescribed by the Town Manager.

Said petition shall be accompanied by a plan, profile and cross section of said street or way as follows:

- 1) A plan drawn when practical to a scale of 40 feet to 1 inch, and to be on one or more sheets of paper not exceeding 24 inches by 36 inches in size. Said plan shall show the north point, the location and ownership of all adjoining lots of land, passage ways, street lights and electric lines, boundary monuments, water ways, topography and natural drainage courses with contour at not greater than 2 feet intervals, all angles, bearings and radii necessary for the plotting of said street and lots and their reproduction on the ground, the distance to the nearest established street or way, together with the stations of their side lines.
 - 2) A profile of said street or way drawn to a horizontal scale of 40 feet to 1 inch, and a vertical scale of 4 feet to 1 inch. Said profile shall show the profile of the side lines and center line of said street or way and the proposed grades thereof. Any buildings abutting on said street or way shall be shown on said profile.
 - 3) A cross section of said street or way drawn to a horizontal scale of 5 feet to 1 inch and a vertical scale of 1 foot to 1 inch.
 - 4) The location and size of the proposed water and/or sewer mains in accordance with this Ordinance.
- 2) Said street or way shall be previously constructed in accordance with the following specifications:
- a) General. All streets shall intersect at right angles wherever possible, but under no circumstances shall they intersect at an angle of less than sixty (60°) degrees. "T" intersections formed on opposite sides of the same collector street shall not be closer than 200 feet center line to center line. Street lines at intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. Curves in general shall have a minimum center line radius of 100 feet. Curb lines radius at street intersections should be at least 20 feet. A dead end street or cul-de-sac shall not exceed 1,000 feet in length and shall be

provided with a suitable turnaround at the closed end. When a turning circle is used, it shall have a minimum outside radius of 75 feet. Grades of all streets shall be reasonably minimum, but in no case shall the grade be less than 0.5% or more than 6%, unless specifically approved by the Planning Board. The construction of all streets will include the removal of all stumps, roots, brush, perishable materials and all trees not intended for preservation. All loam, loamy material and clay shall be removed from the street or way to the depth specified by the Town Manager. All streets shall have a crown to provide for proper drainage. The crown shall be a minimum of 1/8" per running foot of roadway width. The right-of-way lines of all streets shall be marked with granite monuments sufficient to reproduce the right-of-way lines.

- b) Local Residential Streets. All local residential streets shall have a minimum street right-of-way width of 60 feet. The street shall be graded to a subgrade of not less than 12 inches in the roadway location and driveway areas, and not less than 8 inches in the sidewalk area below the parallel to the finished grade on the plans, profiles and cross sections of said street or way. The subgrade shall be carefully shaped and thoroughly compacted before gravel is set in place. When a minimum length of 300 feet (or the entire length of the street if it is less than 300 feet long) has been excavated to subgrade and this subgrade properly prepared for the gravel, the Town Manager or his designated representative shall be notified. His written approval of the subgrade must be obtained prior to the placing of gravel. The roadway shall be built to a minimum thickness of 12 inches with heavy road gravel which meets the approval of the Town Manager. The gravel shall be placed in compacted layers of not more than 8 inches each in the sidewalk areas. Before any surface material is placed on the roadway, sidewalk, or driveway areas, the work shall again be inspected and approved in writing by the Town Manager or his designated representative. The roadway, sidewalk and driveway areas shall then be covered with 2 inches of bituminous concrete properly prepared and laid in two courses of 1 inch each in accordance with specifications prepared by the Town of Thomaston.

The 60 foot minimum width of the street right-of-way shall be divided in the following manner:

- 1) A 28-foot roadway consisting of two ten-foot lanes for traffic and 8 feet of space on one side of the roadway for curbside parking.
 - 2) The side having the parking space shall also have (in order):
 - a curbing made of bituminous concrete or better with a minimum height of 6 inches; and
 - a 3-foot esplanade; and
 - a 5-foot sidewalk, unless adequate pedestrian walkways are provided elsewhere; and
 - a 2-foot buffer zone.
 - 3) The side of the roadway to the side containing the sidewalk shall have an 8-foot esplanade commencing at the terminous of the roadway pavement and ending at the terminous of the roadway right-of-way. This area shall be loamed and seeded.
- c) Collector Streets. All collector streets shall be designed and constructed in accordance with the specifications for local residential streets, except that paved traveled surface shall be at least 32 feet in width.
- d) Arterial Streets. All arterial streets shall have minimum right-of-way width of 60 feet and a roadway of 40 feet in width. The street shall be graded to a subgrade of not less than 24 inches in the roadway location and driveway areas below the parallel to the finished grade as shown on the plans, profiles, and cross sections of said street or way. The subgrade shall be carefully shaped and thoroughly compacted before gravel is set in place. When a minimum length of 300 feet (or the entire length of the street if it is less than 300 feet long) has been excavated to subgrade and this subgrade properly prepared for the gravel, the Town Manager shall be notified. His written approval of the subgrade must be obtained prior to the placing of gravel. The roadway shall be built to a minimum thickness of 18 inches with heavy road gravel which meets the approval of the Town. The gravel shall be placed in compacted layers of not more than 6 inches in the roadway and driveway areas.

Before any surface material is placed on the roadway or driveway areas, the work shall again be inspected and approved in writing by the Town Manager. The roadway and driveway areas shall then be covered with 3 inches of bituminous concrete properly prepared and laid in two courses of 1-1/2" each in accordance with specifications prepared by the Town Manager.

- 3) All engineering work, including the setting of grade stakes necessary for the construction of the street and sidewalks, and storm sewers shall be performed by the developer at his expense.
- 4) Any sewers and appurtenances, drains, including house drains and catch basins which are to be built in the street or sidewalk and all underground utilities, and their respective services, shall be constructed before any road materials is placed. The sole exception shall be for house connections to serve lots where no construction has begun prior to the placing of such road material.
- 5) Whenever it shall be deemed necessary by the Planning Board, after consulting with the Town Manager, that a storm sewer shall be constructed to serve the street under consideration, such storm sewer shall be completed before the gravel or road material is placed thereon. Said sewer shall be built by the developer in accordance with the following method: the developer shall cause the storm sewers and appurtenances, including catch basins, to be built to the specifications of the Town Manager. When said street has been accepted, said sewers shall be deeded to the Town as a public sewer at no cost to the Town.
- 6) When reasonably available, a water main of at least 8 inches in diameter must exist for the use of buildings, residents and occupants of the street to be accepted. The Chief of the Thomaston Fire Department must, in writing, certify that adequate water service for sufficient fire protection exists. It shall be the policy of the Town to cause the installation of such fire hydrants as may be required for fire protection at the same time as the installation of the water main.

D.

ACCEPTANCE OF STREETS AND WAYS REQUIRED BY THE PUBLIC INTEREST

Notwithstanding the provisions of any other Section hereof, the Town may at any time lay out and accept any street or way in the Town of Thomaston, Maine, as a public street or way of said Town whenever the general public interest so requires. The cost of said street or way may be borne by said Town.

E. CURBS

Curbing of a type approved by the Town Manager may be required by the Planning Board on both sides of any proposed street.

F. EASEMENTS

The Planning Board may require easements for sewerage, other utilities, drainage, and stream protection. In general, easements shall not be less than twenty feet in width. Wider easements may be required.

G. NO STREET OR WAY TO BE ACCEPTED UNTIL AFTER REPORT BY THE PLANNING BOARD AND THE TOWN MANAGER

No street or way shall be laid out and accepted by the Legislative Body until the Planning Board and the Town Manager shall have made a careful investigation thereof, and shall have reported to the Legislative Body their recommendations in writing with respect thereto.

H. PRIVATE STREETS AND WAYS

Private streets and ways may be constructed within the Town of Thomaston upon showing by the applicant that the public health, safety and welfare will be maintained. It shall be clearly demonstrated, in written form, that the proposed private street will be adequately maintained, will provide sufficient spaces for emergency vehicle access, will conveniently serve its intended properties and will not exceed the maximum permissible lengths established by the Town.

SECTION VI

MOBILE HOME PARKS

A.

LICENSES

No person, firm, or corporation shall establish or maintain a Mobile Home Park within the Town of Thomaston without a license issued in conformity with the provisions of this Ordinance. A Mobile Home Park in existence prior to the adoption of this Ordinance may be enlarged only if the extension complies with the terms as specified herein.

- 1) Application for a Mobile Home Park shall be filed with the Code Enforcement Officer who shall, in turn, present said application to the Planning Board for review as a subdivision except that applications for license renewals are not subject to Planning Board review. The Planning Board shall review plans of the proposal and approve, approve with conditions, or deny approval of the proposal on the basis of standards contained herein and as contained in the Town Subdivision Regulations. The Planning Board shall inform the Code Enforcement Officer of its decision and he shall act on the application.
- 2) Each application for a license or a renewal thereof shall be accompanied by a fee of \$25.00 for a Mobile Home Park designed for the accommodation of no more than twenty-five mobile homes, and an additional fee of \$1.50 for each additional mobile home. Each such license shall expire on the 1st day of April next following date of issuance. Before any license shall be renewed, the premises shall be subject to inspection by the Town Health Officer and Code Enforcement Officer. If they shall find all requirements of this and other Town and State Ordinances and Laws have been complied with, they shall certify same.
- 3) Such license shall be conspicuously posted on the premises at all times and shall not be transferable.
- 4) The Board of Selectmen are hereby authorized to revoke any license issued pursuant to the terms of this Ordinance if after due investigation they determine the holder thereof has violated any of the provisions of this Ordinance.
- 5) Mobile homes manufactured after September 1, 1974 shall be approved and certified by the Maine State Housing Authority or an approved agent prior to locating in the Town of Thomaston.

B.

DESIGN

Mobile Home Parks or subdivisions shall be constructed and installed in accordance with the following minimum standards. Mobile Home Parks shall provide areas for the location and development of mobile homes, as defined in this Ordinance.

- 1) Streets - Design and construction of all mobile home park streets shall be in accordance with the specifications established in Chapter II, Section V, of this Ordinance.
- 2) Utilities - Sewerage systems may be designed to collect sewage from each mobile home and dispose of it in a common septic tank disposal facility provided that the design, construction, and operation of said facility are in compliance with the specifications of the State Plumbing Code. Water Systems shall be capable of delivering 250 gallons per day per lot.
- 3) A Mobile Home Park Lot shall contain a minimum of 15,000 square feet and shall have a minimum frontage of 100 feet. There shall be a minimum distance of 30 feet between mobile homes and/or other structures. The density provisions of this Ordinance shall be fully complied with.
- 4) Setback Requirements - There shall be a minimum distance of 150 feet between mobile-home lot lines and public road rights-of-way located outside the boundaries of the Mobile Home Park. There shall be a minimum distance of 25 feet between boundaries not fronting on a public right-of-way and mobile home stands. There shall be a minimum distance of 15 feet between interior park rights-of-way and mobile home stands.
- 5) Refuse Disposal - Each mobile home lot shall be provided with an area for refuse storage. Within a maximum of 150 feet from each mobile home lot, there shall be a flytight, watertight and rodentproof container capable of storing the amount of refuse that the mobile homes for which it was designed could generate in one week. The park management shall dispose of refuse from said containers by transporting the refuse in a closed truck to the Town disposal area at least once a week.
- 6) Fire Protection - Fire extinguishers shall be kept in all service buildings. A mobile home park shall be provided suitable ingress and egress so that every mobile home may be readily serviced in emergency situations.

- 7) Responsibilities of Mobile Home Park Management - The management of all mobile home parks shall be responsible for operating their respective parks in accordance with all Town codes and ordinances and all State laws and regulations. The Park management shall maintain a register of all park residents and notify the Assessors of all impending arrivals or departures or changes in ownership. The maintenance of all open space areas, roads, and utilities in a park shall be the responsibility of the park management.
- 8) Responsibilities of Park Occupants - Mobile home park occupants shall be responsible for maintaining their mobile home lots in an orderly condition and preventing the accumulation of refuse on mobile home lots or under a mobile home.
- 9) Trailers will not be allowed within Thomaston, except that the storage of unoccupied trailers will be permitted. The intent of this paragraph is not to prevent incidental family occupancy of a stored trailer provided that no connection to sanitary facilities is maintained.

CHAPTER 11

SECTION VII

INDIVIDUAL MOBILE HOMES

A. PERMITS

No person, firm, or corporation shall erect, move, place, add to, or structurally alter a mobile home without a permit therefor, issued by the Code Enforcement Officer, in accordance with the provisions of Chapter 1, Section III, Administration, of this Ordinance.

- 1) No mobile home constructed on or before June 15, 1976 shall be placed within the Town of Thomaston, except in a mobile home park.
- 2) Single-wide modular homes that meet the requirement of the state manufactured housing act shall be treated as single family homes, provided that they are located on a permanent foundation as required in section VII, B2.

B. DESIGN

Mobile homes shall be constructed and installed in accordance with the following minimum standards.

- 1) Construction - A mobile home shall be a minimum of 14 ft. wide and contain not less than 750 square feet of floor area.
- 2) Placement - Each mobile home shall be placed on a permanent foundation. This may be 1) a poured concrete or concrete block cellar., 2) a poured concrete frost wall or grade beam enclosing a crawl space, or 3) a concrete slab. There shall be not more than 20 inches from the top of the slab to the bottom of the mobile home. All side and end openings shall be enclosed with metal sheathing, concrete block, pressure treated wood or plywood, or other permanent material. There shall be an access door in sheathing to permit service to utilities. No permanent additions, foundations, lean-tos, studs, or rooms shall be added to any mobile home until a building permit has been obtained from the Code Enforcement Officer.
- 3) Utilities - All interior and exterior plumbing shall be in compliance with the State of Maine Plumbing Code. All electrical installations shall be in compliance with the National Electric Code or with requirements of the Central Maine Power Company. Sewage systems shall be in compliance with the specifications of the State of Maine Plumbing code and lots shall be subject to soil testing to insure that private sewerage disposal, if required, is acceptable.
- 4) Lot size and setbacks - Lot sizes and setbacks shall be as required for single-family dwellings in each district where permitted, or as required in mobile home parks under Chapter II., Section VI.

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